

## WATER RESOURCES DEVELOPMENT ACT OF 2002

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OCTOBER 2, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

### R E P O R T

[To accompany H.R. 5428]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5428) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Development Act of 2002”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
Sec. 2. Definition of Secretary.

#### TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.  
Sec. 102. Small projects for flood damage reduction.  
Sec. 103. Small projects for emergency streambank protection.  
Sec. 104. Small projects for navigation.  
Sec. 105. Small projects for improvement of the quality of the environment.  
Sec. 106. Small projects for aquatic ecosystem restoration.  
Sec. 107. Small projects for shoreline protection.

#### TITLE II—GENERAL PROVISIONS

Sec. 201. Annual passes for recreation.  
Sec. 202. Non-Federal contributions.  
Sec. 203. Harbor cost sharing.  
Sec. 204. Funding to process permits.  
Sec. 205. National shoreline erosion control development and demonstration program.  
Sec. 206. Written agreement for water resources projects.  
Sec. 207. Assistance for remediation, restoration, and reuse.  
Sec. 208. Compilation of laws.

- Sec. 209. Dredged material disposal.
- Sec. 210. Wetlands mitigation.
- Sec. 211. Remote and subsistence harbors.
- Sec. 212. Beneficial uses of dredged material.
- Sec. 213. Cost sharing provisions for certain areas.
- Sec. 214. Revision of project cooperation agreement.
- Sec. 215. Cost sharing.
- Sec. 216. Credit for work performed before cooperation agreement.
- Sec. 217. Recreation user fee revenues.
- Sec. 218. Expedited actions for emergency flood damage reduction.
- Sec. 219. Watershed and river basin assessments.
- Sec. 220. Tribal partnership program.
- Sec. 221. Treatment of certain separable elements.

#### TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Cook Inlet, Anchorage Harbor, Alaska.
- Sec. 302. Galena, Alaska.
- Sec. 303. King Cove Harbor, Alaska.
- Sec. 304. St. Paul Harbor, Alaska.
- Sec. 305. Sitka, Alaska.
- Sec. 306. Tatitlek, Alaska.
- Sec. 307. American and Sacramento Rivers, California.
- Sec. 308. Cache Creek Basin, California.
- Sec. 309. Grayson Creek/Murderer's Creek, California.
- Sec. 310. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
- Sec. 311. Los Angeles Harbor, Los Angeles, California.
- Sec. 312. Larkspur Ferry Channel, Larkspur, California.
- Sec. 313. Napa River Salt Marsh Restoration, Napa River, California.
- Sec. 314. Pacific Flyway Center, Sacramento, California.
- Sec. 315. Pinole Creek, California.
- Sec. 316. Prado Dam, California.
- Sec. 317. Sacramento Deep Water Ship Channel, California.
- Sec. 318. Sacramento River, Glenn-Colusa, California.
- Sec. 319. San Lorenzo River, California.
- Sec. 320. Terminus Dam, Kaweah River, California.
- Sec. 321. Upper Guadalupe River, California.
- Sec. 322. Walnut Creek Channel, California.
- Sec. 323. Wildcat/San Pablo Creek Phase I, California.
- Sec. 324. Wildcat/San Pablo Creek Phase II, California.
- Sec. 325. Brevard County, Florida.
- Sec. 326. Gasparilla and Estero Islands, Florida.
- Sec. 327. Lido Key Beach, Sarasota, Florida.
- Sec. 328. Manatee Harbor, Florida.
- Sec. 329. Rose Bay, Volusia County, Florida.
- Sec. 330. Tampa Harbor, Florida.
- Sec. 331. Tampa Harbor-Big Bend Channel, Florida.
- Sec. 332. Little Wood River, Gooding, Idaho.
- Sec. 333. Indiana Harbor, Indiana.
- Sec. 334. Little Calumet River, Indiana.
- Sec. 335. Little Calumet River Basin (Cady Marsh Ditch), Indiana.
- Sec. 336. Long Lake, Indiana.
- Sec. 337. White River, Indiana.
- Sec. 338. Wolf Lake, Indiana.
- Sec. 339. Harlan County, Kentucky.
- Sec. 340. Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed.
- Sec. 341. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
- Sec. 342. Mississippi Delta Region, Louisiana.
- Sec. 343. West Bank of the Mississippi River (east of Harvey Canal), Louisiana.
- Sec. 344. Union River, Maine.
- Sec. 345. Cass River, Spaulding Township, Michigan.
- Sec. 346. Detroit River Shoreline, Detroit, Michigan.
- Sec. 347. Water Resources Institute, Muskegon, Michigan.
- Sec. 348. Saginaw River, Bay City, Michigan.
- Sec. 349. Ada, Minnesota.
- Sec. 350. Duluth Harbor, McQuade Road, Minnesota.
- Sec. 351. Granite Falls, Minnesota.
- Sec. 352. Red Lake River, Minnesota.
- Sec. 353. Silver Bay, Minnesota.
- Sec. 354. Taconite Harbor, Minnesota.
- Sec. 355. Two Harbors, Minnesota.
- Sec. 356. Bois Brule Drainage and Levee District, Missouri.
- Sec. 357. Turkey Creek basin, Kansas City, Missouri, and Kansas City, Kansas.
- Sec. 358. Orchard Beach, Bronx, New York.
- Sec. 359. Times Beach, Buffalo, New York.
- Sec. 360. Port of New York and New Jersey, New York and New Jersey.
- Sec. 361. New York State Canal System.
- Sec. 362. Ashtabula River, Ohio.
- Sec. 363. Willamette River Temperature Control, McKenzie Subbasin, Oregon.
- Sec. 364. Lackawanna River at Olyphant, Pennsylvania.
- Sec. 365. Lackawanna River at Scranton, Pennsylvania.
- Sec. 366. Raystown Lake, Pennsylvania.
- Sec. 367. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
- Sec. 368. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 369. South Central Pennsylvania.
- Sec. 370. Wyoming Valley, Pennsylvania.
- Sec. 371. Little Limestone Creek, Jonesborough, Tennessee.
- Sec. 372. Bowie County Levee, Texas.
- Sec. 373. Lower Rio Grande Basin, Texas.
- Sec. 374. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 375. San Antonio Channel, San Antonio, Texas.
- Sec. 376. Elizabeth River, Chesapeake, Virginia.

- Sec. 377. Great Bridge, Chesapeake, Virginia.
- Sec. 378. Roanoke River Upper Basin, Virginia.
- Sec. 379. Blair and Sitcum Waterways, Tacoma Harbor, Washington.
- Sec. 380. Greenbrier River Basin, West Virginia.
- Sec. 381. Manitowoc Harbor, Wisconsin.
- Sec. 382. Continuation of project authorizations.
- Sec. 383. Project reauthorization.
- Sec. 384. Project deauthorizations.
- Sec. 385. Land conveyances.
- Sec. 386. Extinguishment of reversionary interests and use restrictions.

#### TITLE IV—STUDIES

- Sec. 401. Great Lakes navigation system.
- Sec. 402. John Glenn Great Lakes basin program.
- Sec. 403. St. George Harbor, Alaska.
- Sec. 404. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.
- Sec. 405. Hamilton, California.
- Sec. 406. Oceanside, California.
- Sec. 407. Sacramento River, California.
- Sec. 408. San Francisco Bay, Sacramento-San Joaquin Delta, California.
- Sec. 409. Tybee Island, Georgia.
- Sec. 410. Calumet Harbor, Illinois.
- Sec. 411. Paducah, Kentucky.
- Sec. 412. West Feliciana Parish, Louisiana.
- Sec. 413. City of Mackinac Island, Michigan.
- Sec. 414. Chicago, Illinois.
- Sec. 415. Mississippi River, Missouri and Illinois.
- Sec. 416. Arthur Kill Channel and Morses Creek to Perth Amboy, New Jersey.
- Sec. 417. Pueblo of Zuni, New Mexico.
- Sec. 418. Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 419. Lake Carl Blackwell, Stillwater, Oklahoma.
- Sec. 420. Sac and Fox Nation, Oklahoma.
- Sec. 421. Sutherlin, Oregon.
- Sec. 422. Ecosystem restoration and fish passage improvements, Oregon.
- Sec. 423. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
- Sec. 424. Brownsville Ship Channel, Texas.
- Sec. 425. Sabine Pass to Galveston Bay, Texas.
- Sec. 426. Chehalis River Basin, Washington.
- Sec. 427. Sprague, Lincoln County, Washington.
- Sec. 428. Monongahela River basin, northern West Virginia.
- Sec. 429. Wauwatosa, Wisconsin.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Maintenance of navigation channels.
- Sec. 502. Watershed management.
- Sec. 503. Dam safety.
- Sec. 504. Structural integrity evaluations.
- Sec. 505. Flood mitigation priority areas.
- Sec. 506. Additional assistance for authorized projects.
- Sec. 507. Expedited completion of reports and construction for certain projects.
- Sec. 508. Expedited completion of reports for certain projects.
- Sec. 509. Southeastern water resources assessment.
- Sec. 510. Upper Mississippi River environmental management program.
- Sec. 511. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 512. Membership of Missouri River Trust.
- Sec. 513. Watershed management, restoration, and development.
- Sec. 514. Great Lakes fishery and ecosystem restoration.
- Sec. 515. Susquehanna, Delaware, and Potomac River basins.
- Sec. 516. Chesapeake Bay environmental restoration and protection program.
- Sec. 517. Montgomery, Alabama.
- Sec. 518. Alaska.
- Sec. 519. Akutan Small Boat Harbor, Alaska.
- Sec. 520. Lowell Creek Tunnel, Seward, Alaska.
- Sec. 521. St. Herman Harbor, Kodiak, Alaska.
- Sec. 522. Augusta and Clarendon, Arkansas.
- Sec. 523. Loomis Landing, Arkansas.
- Sec. 524. St. Francis River basin, Arkansas and Missouri.
- Sec. 525. Cambria, California.
- Sec. 526. East San Joaquin County, California.
- Sec. 527. Harbor/South Bay, California.
- Sec. 528. Sacramento Area, California.
- Sec. 529. San Francisco, California.
- Sec. 530. San Francisco, California, waterfront area.
- Sec. 531. Stockton, California.
- Sec. 532. Everglades restoration, Florida.
- Sec. 533. Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.
- Sec. 534. Riley Creek recreation area, Idaho.
- Sec. 535. Grand Tower drainage and levees, Grand Tower Township, Illinois.
- Sec. 536. Kaskaskia River basin, Illinois, restoration.
- Sec. 537. Natalie Creek, Midlothian and Oak Forest, Illinois.
- Sec. 538. Illinois River basin restoration.
- Sec. 539. Calumet region, Indiana.
- Sec. 540. Rathbun Lake, Iowa.
- Sec. 541. Mayfield Creek and tributaries, Kentucky.
- Sec. 542. Southern and Eastern Kentucky.
- Sec. 543. Coastal Louisiana ecosystem protection and restoration.
- Sec. 544. Baton Rouge, Louisiana.
- Sec. 545. West Baton Rouge Parish, Louisiana.
- Sec. 546. Chesapeake Bay shoreline, Maryland, Virginia, Pennsylvania, and Delaware.
- Sec. 547. Delmarva conservation corridor, Maryland.
- Sec. 548. Detroit River, Michigan.

- Sec. 549. Oakland County, Michigan.
- Sec. 550. St. Clair River and Lake St. Clair, Michigan.
- Sec. 551. Garrison and Kathio Township, Minnesota.
- Sec. 552. Northeastern Minnesota.
- Sec. 553. St. Louis, Missouri.
- Sec. 554. Rural Nevada.
- Sec. 555. Hackensack Meadowlands area, New Jersey.
- Sec. 556. Atlantic Coast of New York.
- Sec. 557. College Point, New York City, New York.
- Sec. 558. Flushing Bay and Creek, New York City, New York.
- Sec. 559. Little Neck Bay, Village of Kings Point, New York.
- Sec. 560. Stanley County, North Carolina.
- Sec. 561. Piedmont Lake Dam, Ohio.
- Sec. 562. Waurika Lake, Oklahoma.
- Sec. 563. Columbia River, Oregon.
- Sec. 564. Eugene, Oregon.
- Sec. 565. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
- Sec. 566. Lowell, Oregon.
- Sec. 567. Hagerman's Run, Williamsport, Pennsylvania.
- Sec. 568. Northeast Pennsylvania.
- Sec. 569. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
- Sec. 570. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 571. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
- Sec. 572. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 573. Lakes Marion and Moultrie, South Carolina.
- Sec. 574. Upper Big Sioux River, Watertown, South Dakota.
- Sec. 575. Fritz Landing, Tennessee.
- Sec. 576. Memphis, Tennessee.
- Sec. 577. Town Creek, Lenoir City, Tennessee.
- Sec. 578. Tennessee River partnership.
- Sec. 579. Clear Creek and tributaries, Harris and Galveston Counties, Texas.
- Sec. 580. Halls Bayou, Texas.
- Sec. 581. Harris Gully, Harris County, Texas.
- Sec. 582. Onion Creek, Texas.
- Sec. 583. Pelican Island, Texas.
- Sec. 584. Riverside Oxbow, Fort Worth, Texas.
- Sec. 585. Richmond National Battlefield Park, Richmond, Virginia.
- Sec. 586. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 587. Chehalis River, Centralia, Washington.
- Sec. 588. Hamilton Island campground, Washington.
- Sec. 589. Puget Island, Washington.
- Sec. 590. West Virginia and Pennsylvania flood control.
- Sec. 591. Lower Kanawha River Basin, West Virginia.
- Sec. 592. Central West Virginia.
- Sec. 593. Southern West Virginia.
- Sec. 594. Additional assistance for critical projects.

#### **SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term "Secretary" means the Secretary of the Army.

## **TITLE I—WATER RESOURCES PROJECTS**

#### **SEC. 101. PROJECT AUTHORIZATIONS.**

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) **PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**—The project for environmental restoration, Pine Flat Dam and Reservoir, Fresno County, California: Report of the Chief of Engineers, dated July 19, 2002, at a total cost of \$37,100,000, with an estimated Federal cost of \$24,116,000 and an estimated non-Federal cost of \$12,984,000.

(2) **MORGANZA TO THE GULF OF MEXICO, LOUISIANA.**—

(A) **IN GENERAL.**—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Report of the Chief of Engineers, dated August 23, 2002, at a total cost of \$680,000,000, with an estimated Federal cost of \$442,000,000 and an estimated non-Federal cost of \$238,000,000.

(B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(3) **SMITH ISLAND, MARYLAND.**—The project for environmental restoration and protection, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of \$7,442,000, with an estimated Federal cost of \$4,838,000 and an estimated non-Federal cost of \$2,604,000.

(4) **CHICKAMAUGA LOCK AND DAM, TENNESSEE.**—The project for inland navigation, Chickamauga Lock and Dam, Tennessee: Report of the Chief of Engineers, dated May 30, 2002; except that the Secretary shall construct the project in accordance with the plan that includes a 110-foot by 600-foot replacement lock at

a total cost of \$267,167,000. The costs of such construction shall be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

**SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.**

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.

(2) SANTA ANA RIVER BASIN AND ORANGE COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Santa Ana River basin and Orange County streams, California.

(3) NASHUA RIVER, FITCHBURG, MASSACHUSETTS.—Project for flood damage reduction, Nashua River, Fitchburg, Massachusetts.

(4) SAGINAW RIVER, HAMILTON DAM, FLINT, MICHIGAN.—Project for flood damage reduction, Saginaw River, Hamilton Dam, Flint, Michigan.

(5) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota

(6) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(7) JAMES RIVER, GREENE COUNTY, MISSOURI.—Project for flood damage reduction, James River, Greene County, Missouri.

(8) MCKEEL BROOK, NEW JERSEY.—Project for flood damage reduction, McKeel Brook, New Jersey.

(9) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(10) LITTLE MILL CREEK, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Little Mill Creek, Southampton, Pennsylvania.

(11) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

(12) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(b) SPECIAL RULES.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(4) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 103. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.**

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

**SEC. 104. SMALL PROJECTS FOR NAVIGATION.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) EVANSTON, ILLINOIS.—Project for navigation, Evanston, Illinois.

(3) NIAGARA FRONTIER TRANSPORTATION AUTHORITY BOAT HARBOR, BUFFALO, NEW YORK.—Project for navigation, Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York.

(4) WOODLAWN MARINA, LACKAWANNA, NEW YORK.—Project for navigation, Woodlawn Marina, Lackawanna, New York.

**SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.**

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

(1) SMITHVILLE LAKE, MISSOURI.—Project for improvement of the quality of the environment, Smithville Lake, Missouri.

**SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

- (1) COLORADO RIVER, YUMA, ARIZONA.—Project for aquatic ecosystem restoration, Colorado River, Yuma, Arizona.
- (2) CHINO VALLEY, CALIFORNIA.—Project for aquatic ecosystem restoration, Chino Valley, California.
- (3) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.
- (4) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address aquatic invasive plant species.
- (5) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.
- (6) CHATTAHOOCHEE RIVER, COLUMBUS, GEORGIA, AND PHENIX CITY, ALABAMA.—Project for aquatic ecosystem restoration, City Mills Dam and Eagle and Phenix Dam, Chattahoochee River, Columbus, Georgia, and Phenix City, Alabama.
- (7) CHATTAHOOCHEE RIVER AND OCMULGEE RIVER BASINS, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee River and Ocmulgee River basins, Gwinnett County, Georgia.
- (8) SNAKE RIVER, JEROME, IDAHO.—Project for aquatic ecosystem restoration, Snake River, Jerome, Idaho.

**SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION.**

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g):

- (1) NELSON LAGOON, ALASKA.—Project for shoreline protection, Nelson Lagoon, Alaska.

## **TITLE II—GENERAL PROVISIONS**

**SEC. 201. ANNUAL PASSES FOR RECREATION.**

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat. 3681; 113 Stat. 294) is amended by striking “the December 31, 2003” and inserting “December 31, 2004”.

**SEC. 202. NON-FEDERAL CONTRIBUTIONS.**

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

“(n) NON-FEDERAL CONTRIBUTIONS.—

“(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary’s authority under section 903(c) of this Act.”.

**SEC. 203. HARBOR COST SHARING.**

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking “45 feet” and inserting “53 feet”.

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking “45 feet” and inserting “53 feet”.

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking “45 feet” and inserting “53 feet”.

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

**SEC. 204. FUNDING TO PROCESS PERMITS.**

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended—

- (1) in subsection (a) by striking “2003” and inserting “2005”; and
- (2) by adding at the end of subsection (b) the following: “The acceptance and expenditure of funds under subsection (a) shall not affect the order in which permits are considered or approved by the Secretary.”.

**SEC. 205. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.**

(a) **EXTENSION OF PROGRAM.**—Section 5(a) of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking “6 years” and inserting “10 years”.

(b) **EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.**—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years” and inserting “6 years”.

(c) **COST-SHARING; REMOVAL OF PROJECTS.**—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

- (1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and
- (2) by inserting after paragraph (2) the following:
  - “(3) **COST SHARING.**—The Secretary may enter into a cost-sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.
  - “(4) **REMOVAL OF PROJECTS.**—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking “\$21,000,000” and inserting “\$31,000,000”.

**SEC. 206. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.**

(a) **LIQUIDATED DAMAGES.**—Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended by inserting after “\$25,000.” the following: “Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.”.

(b) **LOCAL COOPERATION.**—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

- (1) in paragraph (2)—
  - (A) by striking “shall” the first place it appears and inserting “may”; and
  - (B) by striking the last sentence; and
- (2) in paragraph (4)—
  - (A) by inserting after “injunction, for” the following: “payment of liquidated damages or, for”;
  - (B) by striking “to collect a civil penalty imposed under this section,”; and
  - (C) by striking “any civil penalty imposed under this section,” and inserting “any liquidated damages,”.

**SEC. 207. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.**

(a) **IN GENERAL.**—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2003 through 2007.

**SEC. 208. COMPILATION OF LAWS.**

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2003, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2003,

the Secretary shall transmit at least 25 copies of each such volume to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

**SEC. 209. DREDGED MATERIAL DISPOSAL.**

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

“(c) GOVERNMENTAL PARTNERSHIPS.—

“(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

“(2) PUBLIC FINANCING.—

“(A) AGREEMENTS.—The agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

“(B) CREDIT.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.”; and

(3) in each of subsections (d)(1) and (d)(2)(A), as so redesignated, by inserting “processing, treatment, or” after “dredged material” the first place it appears.

**SEC. 210. WETLANDS MITIGATION.**

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

**SEC. 211. REMOTE AND SUBSISTENCE HARBORS.**

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.



(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

- (1) public health and safety of the local community, including access to facilities designed to protect public health and safety;
- (2) access to natural resources for subsistence purposes;
- (3) local and regional economic opportunities;
- (4) welfare of the local population; and
- (5) social and cultural value to the community.

**SEC. 212. BENEFICIAL USES OF DREDGED MATERIAL.**

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

“(c) IN GENERAL.—The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal public entity for use in the construction, repair, or rehabilitation of public projects associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

“(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

“(e) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

“(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$30,000,000 annually for projects under this section. Such sums shall remain available until expended.

“(h) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including potential beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.”

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) HOLD HARMLESS.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to a project in the vicinity of Morehead City, North Carolina.

**SEC. 213. COST SHARING PROVISIONS FOR CERTAIN AREAS.**

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

**“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.**

“The Secretary shall waive local cost-sharing requirements up to \$500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title

25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).”.

**SEC. 214. REVISION OF PROJECT COOPERATION AGREEMENT.**

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project cooperation agreement for the project to take into account the change in Federal participation in the project.

**SEC. 215. COST SHARING.**

An increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary shall not affect any cost sharing requirement applicable to the project under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

**SEC. 216. CREDIT FOR WORK PERFORMED BEFORE COOPERATION AGREEMENT.**

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement entered into under this section.

**SEC. 217. RECREATION USER FEE REVENUES.**

Section 225 of the Water Resources Development Act of 1999 (113 Stat. 297–298) is amended—

- (1) in subsection (a)(1) by striking “During fiscal years 1999 through 2002, the” and inserting “The”; and
- (2) in subsection (a)(3) by striking “September 30, 2005” and inserting “expended”.

**SEC. 218. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.**

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster and Emergency Relief Act (42 U.S.C. 5121 et seq.).

**SEC. 219. WATERSHED AND RIVER BASIN ASSESSMENTS.**

(a) **IN GENERAL.**—Section 729(f)(1) of the Water Resources Development Act of 1986 (114 Stat. 2588; 100 Stat. 4164) is amended to read as follows:

“(1) **NON-FEDERAL SHARE.**—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.”.

(b) **REVISION OF COOPERATION AGREEMENT.**—The Secretary shall revise the cooperation agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendment made by subsection (a).

**SEC. 220. TRIBAL PARTNERSHIP PROGRAM.**

Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after “Code” the following “, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations”.

**SEC. 221. TREATMENT OF CERTAIN SEPARABLE ELEMENTS.**

(a) **IN GENERAL.**—If, in carrying out a water resources project, the Secretary identifies a separable element that would advance a primary mission of the Corps of Engineers, with benefits that could be achieved more cost-effectively if carried out in conjunction with the project, the Secretary, in consultation with the non-Federal interest, may carry out such separable element at Federal expense not to exceed 3 percent of the Federal project cost or \$1,000,000, whichever is less.

(b) **OPERATION AND MAINTENANCE.**—Operation and maintenance of work carried out under this section shall be a non-Federal responsibility.

## **TITLE III—PROJECT-RELATED PROVISIONS**

### **SEC. 301. COOK INLET, ANCHORAGE HARBOR, ALASKA.**

The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to authorize the Secretary to establish a harbor depth of 45 feet for a length of 5,000 feet at the Port of Anchorage marine facility, at a total cost of \$14,500,000. Federal maintenance shall be in accordance with such section 101; except that the project shall be maintained at a depth of 45 feet for such 5,000 feet.

### **SEC. 302. GALENA, ALASKA.**

The project for emergency bank stabilization, Galena, Alaska, authorized by title I of the Energy and Water Development Appropriations Act, 2001 (114 Stat. 1441A–61), is modified to direct the Secretary to construct the project, at a total cost of \$6,000,000.

### **SEC. 303. KING COVE HARBOR, ALASKA.**

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River Harbor Act of 1960 (33 U.S.C. 577), shall be \$8,000,000.

### **SEC. 304. ST. PAUL HARBOR, ALASKA.**

(a) **IN GENERAL.**—The project for navigation, St. Paul Harbor, Alaska, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667) and modified by section 303 of the Water Resources Development Act of 1999 (113 Stat. 298–299), is further modified to direct the Secretary to construct the project, at a total cost of \$65,000,000.

(b) **LIMITATION ON NON-FEDERAL SHARE.**—The non-Federal share for the project shall not exceed \$14,400,000.

### **SEC. 305. SITKA, ALASKA.**

The Thompson Harbor, Sitka, Alaska, element of the project for navigation Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as may be necessary to correct design deficiencies in such element, at a Federal expense of \$6,300,000.

### **SEC. 306. TATILEK, ALASKA.**

The maximum amount of Federal funds that may be expended for the project for navigation, Tatilek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

### **SEC. 307. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.**

The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663) and modified by section 366 of the Water Resources Development Act of 1999 (113 Stat. 319–320), is further modified to direct the Secretary to carry out the project, at a total cost of \$205,000,000.

### **SEC. 308. CACHE CREEK BASIN, CALIFORNIA.**

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system, including all appurtenant features, erosion control measures, and environmental protection features. Such mitigation shall restore the city's preproject capacity (1,360 cubic feet per second) to release water to the Yolo Bypass, including channel improvements, an outlet work through the west levee of the Yolo Bypass, and a new low-flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

### **SEC. 309. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.**

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project and to authorize

the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 310. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.**

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

**SEC. 311. LOS ANGELES HARBOR, LOS ANGELES, CALIFORNIA.**

The project for navigation, Los Angeles Harbor, Los Angeles, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines the work is integral to the project.

**SEC. 312. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.**

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

**SEC. 313. NAPA RIVER SALT MARSH RESTORATION, NAPA RIVER, CALIFORNIA.**

In carrying out the feasibility study for the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, California, the Secretary shall determine whether work carried out by the non-Federal interest is integral to the project. In any case in which the work is determined to be integral to the project before completion of the final report of the Chief of Engineers on the project, such work shall be included as part of the project, and the cost of such work shall be recommended in the final report for credit toward the non-Federal share of the cost of the project. Work carried out after submission of the final report and before the date of the cooperation agreement for the project that is determined to be integral to the project shall be considered as part of the project, and the cost of such work shall be credited toward the non-Federal share of the cost of the project.

**SEC. 314. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.**

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend \$1,000,000 to enhance public access to the project.

**SEC. 315. PINOLE CREEK, CALIFORNIA.**

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 316. PRADO DAM, CALIFORNIA.**

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

**SEC. 317. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.**

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by

the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 318. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to credit the non-Federal interest up to \$4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project.

**SEC. 319. SAN LORENZO RIVER, CALIFORNIA.**

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to direct the Secretary to credit not more than \$2,000,000 toward the non-Federal share of the cost of the project for the cost of the work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines the work is integral to the project.

**SEC. 320. TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.**

The project for flood control and water supply, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3667) and modified by section 307 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to authorize the Secretary to construct the project, at a total cost of \$50,000,000.

**SEC. 321. UPPER GUADALUPE RIVER, CALIFORNIA.**

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project, at a total cost of \$140,328,000, with an estimated Federal cost of \$70,164,000, and an estimated non-Federal cost of \$70,164,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

**SEC. 322. WALNUT CREEK CHANNEL, CALIFORNIA.**

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 323. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.**

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 324. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.**

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 325. BREVARD COUNTY, FLORIDA.**

Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

“(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.”.

**SEC. 326. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 327. LIDO KEY BEACH, SARASOTA, FLORIDA.**

The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project, at a total cost of \$12,926,000, with an estimated Federal cost of \$6,547,000 and an estimated non-Federal cost of \$6,379,000, and at an estimated average annual cost of \$925,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$468,500 and an estimated annual non-Federal cost of \$456,500.

**SEC. 328. MANATEE HARBOR, FLORIDA.**

The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093) and modified by section 102(j) of the Water Resources Development Act of 1990 (104 Stat. 4612), is further modified—

(1) to include the construction of an extension of the south channel a distance of approximately 1584 feet consistent with the general reevaluation report, dated April 2002, prepared by the Jacksonville District Corps of Engineers, at a total cost of \$9,800,000, with an estimated Federal cost of \$7,350,000 and an estimated non-Federal cost of \$2,450,000;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of in-kind services and materials provided for the project by the non-Federal interest; and

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 329. ROSE BAY, VOLUSIA COUNTY, FLORIDA.**

The project for aquatic ecosystem restoration, Rose Bay, Volusia County, Florida, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs incurred by the Florida Department of Transportation in constructing that portion of United States Highway 1 bridge that the Secretary determines is required for the proper functioning of the project.

**SEC. 330. TAMPA HARBOR, FLORIDA.**

The project for navigation, Tampa Harbor, Florida, referred to in section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 331. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried

out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 332. LITTLE WOOD RIVER, GOODING, IDAHO.**

The project for flood damage reduction, Little Wood River, Gooding, Idaho, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified—

(1) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(2) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if such use of the funds is permitted under the other Federal program; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

**SEC. 333. INDIANA HARBOR, INDIANA.**

The project for environmental dredging, Indiana Harbor, Indiana, being carried out under section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1252 note; 104 Stat. 4639), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of design work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 334. LITTLE CALUMET RIVER, INDIANA.**

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report dated August 2000, at a total cost of \$186,300,000, with an estimated Federal cost of \$136,600,000 and an estimated non-Federal cost of \$49,700,000.

**SEC. 335. LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), INDIANA.**

The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to construct the project, at a total cost of \$23,146,000, with an estimated Federal cost of \$17,359,000 and an estimated non-Federal cost of \$5,787,000.

**SEC. 336. LONG LAKE, INDIANA.**

(a) **COST SHARING.**—The project for ecosystem restoration, Long Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to carry out the components of the project located on Federal land at full Federal expense.

(b) **REIMBURSEMENT.**—After completion of the project referred to in subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs of the project allocated to benefits to the Indiana Dunes National Lakeshore.

**SEC. 337. WHITE RIVER, INDIANA.**

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature, at a total cost of \$28,545,000.

**SEC. 338. WOLF LAKE, INDIANA.**

The project for aquatic ecosystem restoration, Wolf Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 339. HARLAN COUNTY, KENTUCKY.**

The Harlan County, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection.

**SEC. 340. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.**

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), is modified to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)) as in effect on October 11, 1996, at a total cost of \$158,000,000, with an estimated Federal cost of \$102,700,000 and an estimated non-Federal cost of \$55,300,000.

**SEC. 341. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.**

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified to authorize the purchase and reforestation of lands which have been cleared or converted to agricultural uses, at a total cost of \$33,000,000.

**SEC. 342. MISSISSIPPI DELTA REGION, LOUISIANA.**

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

**SEC. 343. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.**

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking “operation and maintenance” and inserting “operation, maintenance, rehabilitation, repair, and replacement”; and

(B) by striking “Algiers Channel” and inserting “Algiers Canal Levees”; and

(2) by adding at the end the following:

“(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.”.

**SEC. 344. UNION RIVER, MAINE.**

The project for navigation, Union River, Maine, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315.975.13, E1,004.424.86 thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316.038.37, E1,004.308.61.

**SEC. 345. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

(a) IN GENERAL.—The project for flood damage reduction, Cass River, Spaulding Township, Saginaw County, Michigan, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to incorporate flood control works constructed by the non-Federal interests between Sheridan Road and East Street (M–13) if the Secretary determines that the inclusion of such flood control works is feasible.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.



**SEC. 346. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**

(a) **IN GENERAL.**—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$3,000,000.

**SEC. 347. WATER RESOURCES INSTITUTE, MUSKEGON, MICHIGAN.**

(a) **IN GENERAL.**—The project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to provide for completion of shoreline protection measures in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center, dated August 6, 2001.

(b) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$2,000,000.

(c) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and implementation of shoreline protection measures carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 348. SAGINAW RIVER, BAY CITY, MICHIGAN.**

The maximum amount of Federal funds that may be expended for the project for emergency streambank protection, Saginaw River, Bay City, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), shall be \$2,000,000.

**SEC. 349. ADA, MINNESOTA.**

(a) **IN GENERAL.**—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) **EVALUATION OF BENEFITS AND COSTS.**—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) **SPECIAL RULE.**—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 350. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

(a) **IN GENERAL.**—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$5,000,000.

**SEC. 351. GRANITE FALLS, MINNESOTA.**

The maximum amount of Federal funds that may be expended for the project for flood damage reduction, Granite Falls, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be \$12,000,000.

**SEC. 352. RED LAKE RIVER, MINNESOTA.**

The project for flood control, Red Lake River at Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to authorize the Secretary to construct the project, at a total cost of \$25,000,000, with an estimated Federal cost of \$16,250,000 and an estimated non-Federal cost of \$8,750,000.

**SEC. 353. SILVER BAY, MINNESOTA.**

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

**SEC. 354. TACONITE HARBOR, MINNESOTA.**

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

**SEC. 355. TWO HARBORS, MINNESOTA.**

(a) IN GENERAL.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility at the J&J Castings site, including actions required to clear the site.

(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be \$5,000,000.

**SEC. 356. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.**

The maximum amount of Federal funds that may be expended for the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be \$25,000,000.

**SEC. 357. TURKEY CREEK BASIN, KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS.**

The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, authorized by section 101(a)(24) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 358. ORCHARD BEACH, BRONX, NEW YORK.**

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781), is modified to authorize the Secretary to construct the project, at a total cost of \$18,000,000.

**SEC. 359. TIMES BEACH, BUFFALO, NEW YORK.**

The project for improvement of the quality of the environment, Times Beach, Buffalo, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251), is modified to direct the Secretary to credit not more than \$750,000 toward the non-Federal share of the cost of the project for the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines the work is integral to the project.

**SEC. 360. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.**

The Secretary may not require as an item of local cooperation in the construction of the project for navigation, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), that the non-Federal interest agree that the container facilities at the former Military Ocean Terminal at the Bayonne, New Jersey, site along the Port Jersey Channel be operational prior to construction of the 50-foot deep Port Jersey Channel. Such container facilities may be made operational concurrent with the navigation project.

**SEC. 361. NEW YORK STATE CANAL SYSTEM.**

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

“(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term ‘New York State Canal System’ means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.”

**SEC. 362. ASHTABULA RIVER, OHIO.**

The project for environmental dredging, Ashtabula River, Ohio, being carried out under section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1252 note; 104 Stat. 4639; 110 Stat. 3679), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction work provided by the non-Federal interest before the date of the coopera-

tion agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 363. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.**

(a) **IN GENERAL.**—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the draw down conducted as a part of project implementation in 2002.

(b) **ESTABLISHMENT OF PROGRAM.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

- (1) to receive claims for compensation for losses to small business attributable to the implementation of the draw down conducted as a part of project implementation in 2002;
- (2) to evaluate claims for such losses; and
- (3) to pay claims for such losses.

(c) **IMPLEMENTATION OF PROGRAM.**—In carrying out the program established under subsection (b), the Secretary shall provide—

- (1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;
- (2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;
- (3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and
- (4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) **LOSS TO A SMALL BUSINESS DEFINED.**—In this section, the term “loss to a small business” means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the draw down in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) **PAYMENT OF CLAIMS.**—The payment of claims for losses to small businesses shall be a Federal responsibility.

**SEC. 364. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.**

The project for flood control, Lackawanna River at Olyphant, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of \$20,000,000.

**SEC. 365. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.**

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of \$23,000,000.

**SEC. 366. RAYSTOWN LAKE, PENNSYLVANIA.**

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

**SEC. 367. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.**

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to \$400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 368. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.**

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

**SEC. 369. SOUTH CENTRAL PENNSYLVANIA.**

Section 313(h)(2) of the Water Resources Development Act of 1992 (106 Stat. 4847; 107 Stat. 407) is amended by striking "Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder and, Westmoreland Counties" and inserting "Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties".

**SEC. 370. WYOMING VALLEY, PENNSYLVANIA.**

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

**SEC. 371. LITTLE LIMESTONE CREEK, JONESBOROUGH, TENNESSEE.**

In evaluating and implementing the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 372. BOWIE COUNTY LEVEE, TEXAS.**

The project for flood control, Red River Below Denison Dam, Texas and Oklahoma, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to implement the Bowie County Levee feature of the project in accordance with the plan defined as Alternative B in the draft document entitled "Bowie County Local Flood Protection, Red River, Texas Project Design Memorandum No. 1, Bowie County Levee", dated April 1997.

**SEC. 373. LOWER RIO GRANDE BASIN, TEXAS.**

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

- (1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project; and
- (2) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay .

**SEC. 374. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.**

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

**SEC. 375. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 376. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

Section 358 of the Water Resources Development Act of 1999 (113 Stat. 312) is amended by striking "September 30, 1999" and inserting "May 4, 1997".

**SEC. 377. GREAT BRIDGE, CHESAPEAKE, VIRGINIA.**

The project for navigation at Great Bridge, Virginia, Highway 168 over the Atlantic Intracoastal Waterway in Chesapeake, Virginia, authorized by section 339(h) of the National Highway System Designation Act of 1995 (109 Stat. 606) is modified to authorize the Secretary to construct the project, at a total cost of \$48,000,000, with an estimated Federal cost of \$39,400,000 and an estimated non-Federal cost of \$8,600,000.

**SEC. 378. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

The project for flood control, Roanoke River Upper Basin, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) and modified by section 110 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 650), is further modified to authorize the Secretary to construct the project, at a total cost of \$64,300,000, with an estimated Federal cost of \$42,100,000 and an estimated non-Federal cost of \$22,200,000.

**SEC. 379. BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON.**

(a) IN GENERAL.—The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096), is modified to direct the Secretary to review the locally prepared plan for the Blair and Sitcum Waterways, Washington, and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, to authorize the Secretary to carry out the plan, at a Federal cost of \$4,240,000.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 380. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking “\$47,000,000” and inserting “\$89,000,000”.

**SEC. 381. MANITOWOC HARBOR, WISCONSIN.**

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of \$300,000.

**SEC. 382. CONTINUATION OF PROJECT AUTHORIZATIONS.**

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

**SEC. 383. PROJECT REAUTHORIZATION.**

That portion of the project for navigation, Manitowoc Harbor, Wisconsin, consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), may be carried out by the Secretary if the Secretary determines that it is feasible.

**SEC. 384. PROJECT DEAUTHORIZATIONS.**

The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the

River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(3) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at Station 70+00 and ending at Station 80+00.

#### SEC. 385. LAND CONVEYANCES.

##### (a) MILFORD, KANSAS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

##### (b) HICKORY POINT, LAKE EUFAULA, OKLAHOMA.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey by quitclaim deed without consideration to the Choctaw Nation all right, title, and interest of the United States in and to approximately 265 acres in the vicinity of Hickory Point, Lake Eufaula, Oklahoma, together with any improvements thereon, for public ownership and use for public recreation.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property referred to in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used for public recreation, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

##### (c) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking “city of Boardman,” and inserting “the Boardman Park and Recreation District, Boardman,”; and

(2) by striking “such city” and inserting “the city of Boardman”.

##### (d) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

#### SEC. 386. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IN GENERAL.—With respect to each deed listed in subsection (b), the reversionary interests and use restrictions relating to industrial use purposes are extinguished.

(b) AFFECTED DEEDS.—The deeds with the following county auditor’s file numbers are referred to in subsection (a):

- (1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.  
 (2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.  
 (c) NO EFFECT OF OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

## TITLE IV—STUDIES

### SEC. 401. GREAT LAKES NAVIGATION SYSTEM.

Section 456 of the Water Resources Development Act of 1999 (113 Stat. 332) is amended by adding at the end the following: "If the Government of Canada and the Government of the United States have entered into a bilateral agreement that provides for the financial participation of the Government of Canada in the study, the Secretary may accept such participation."

### SEC. 402. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (113 Stat. 330–332) is amended by adding at the end the following:

"(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions."

### SEC. 403. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

### SEC. 404. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN.

The Secretary shall transmit to Congress a report on the results of the Upper Mississippi River and Illinois Waterway Restructured System Navigation Feasibility Study, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no later than July 1, 2004.

### SEC. 405. HAMILTON, CALIFORNIA.

The Secretary is directed to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and shall include in the study an area 2 miles north and 4 miles south of State Highway 32.

### SEC. 406. OCEANSIDE, CALIFORNIA.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

### SEC. 407. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

### SEC. 408. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger-scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

### SEC. 409. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth

of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

**SEC. 410. CALUMET HARBOR, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

**SEC. 411. PADUCAH, KENTUCKY.**

The Secretary is authorized to complete a rehabilitation evaluation report for the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, proceed to preconstruction engineering and design for rehabilitation of the project.

**SEC. 412. WEST FELICIANA PARISH, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

**SEC. 413. CITY OF MACKINAC ISLAND, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

**SEC. 414. CHICAGO, ILLINOIS.**

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting “Lake Michigan and” before “the Chicago River”.

**SEC. 415. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of modifying the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, to provide for navigation and environmental restoration enhancements.

**SEC. 416. ARTHUR KILL CHANNEL AND MORSES CREEK TO PERTH AMBOY, NEW JERSEY.**

The Secretary shall reevaluate the results of the study for the project for navigation, Arthur Kill Channel and Morses Creek to Perth Amboy, New Jersey, to determine whether the benefits of the project have increased as a result of a change in circumstances. In conducting the reevaluation, the Secretary shall review the locally prepared study entitled “Pre-Feasibility Study for Channel Improvements—Arthur Kill from Morses Creek to Perth Amboy and Raritan Bay Approaches”.

**SEC. 417. PUEBLO OF ZUNI, NEW MEXICO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection for the Pueblo of Zuni, New Mexico, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

**SEC. 418. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.**

In carrying out the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

**SEC. 419. LAKE CARL BLACKWELL, STILLWATER, OKLAHOMA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration at Lake Carl Blackwell, Stillwater, Oklahoma.

**SEC. 420. SAC AND FOX NATION, OKLAHOMA.**

The Secretary shall complete a water and related land resource conservation and management plan for the Sac and Fox Nation, Oklahoma, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

**SEC. 421. SUTHERLIN, OREGON.**

(a) **STUDY.**—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, may carry out the project.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000.



**SEC. 422. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.**

(a) **STUDY.**—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) **REQUIREMENTS.**—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 to carry out this subsection.

**SEC. 423. NORTHEASTERN PENNSYLVANIA AQUATIC ECOSYSTEM RESTORATION AND PROTECTION.**

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

**SEC. 424. BROWNSVILLE SHIP CHANNEL, TEXAS.**

(a) **MITIGATION.**—In carrying out the study to determine the feasibility of the project for navigation, Brownsville Ship Channel, Brownsville, Texas, the Secretary shall examine the feasibility of restoring wetlands in the vicinity of the Bahia Grande, Port Isabel, Texas, for the purpose of mitigating project impacts.

(b) **CREDIT.**—If the Secretary determines that the wetlands restoration referred to in subsection (a) is appropriate to meet mitigation requirements for the project and the non-Federal interest undertakes such restoration before the date of the cooperation agreement for the project, the Secretary shall credit toward the non-Federal share of the cost of planning, design, and construction of the project the cost of such restoration work carried out by the non-Federal interest if the Secretary determines that the work is integral to the project.

**SEC. 425. SABINE PASS TO GALVESTON BAY, TEXAS.**

In conducting a feasibility study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, Texas, the Secretary may include any benefits related to the use of State Highway 87 as an emergency evacuation route in the determination of national economic development benefits of the project.

**SEC. 426. CHEHALIS RIVER BASIN, WASHINGTON.**

The Secretary shall conduct a river basin study for the Chehalis River basin, Washington, including a study of the uses of the basin's water resources to assist users in developing a fair and equitable distribution of such resources.

**SEC. 427. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

The Secretary may accept from the non-Federal interest to pay all or a part of the non-Federal share of the cost of feasibility study for the project for flood control in the vicinity of Sprague, Lincoln County, Washington, funds made available under any other Federal program if such use of the funds is permitted under the Federal program.

**SEC. 428. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie, West Virginia, particularly as related to abandoned mine drainage abatement.

**SEC. 429. WAUWATOSA, WISCONSIN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin.

## **TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 501. MAINTENANCE OF NAVIGATION CHANNELS.**

(a) **IN GENERAL.**—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

- (1) Pix Bayou navigation channel, Chambers County, Texas.
- (2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.
- (3) Racine Harbor, Wisconsin.

(b) **COMPLETION OF ASSESSMENT.**—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

(c) **SABINE-NECHES WATERWAY, TEXAS.**—The Secretary shall remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

**SEC. 502. WATERSHED MANAGEMENT.**

(a) **IN GENERAL.**—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) **SPECIFIC MEASURES.**—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

- (1) Management and restoration of water quality.
- (2) Control and remediation of toxic sediments.
- (3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.
- (4) Protection and restoration of watersheds, including urban watersheds.
- (5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) **PROJECT LOCATIONS.**—The locations referred to in subsection (a) are the following:

- (1) Choctawhatchee, Pea, and Yellow Rivers watershed, in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike Counties, Alabama.
- (2) Spring Branch watershed, Huntsville, Alabama.
- (3) Cucamonga basin, Upland, California.
- (4) Tuolumne County, California.
- (5) Kinkaid Lake, Jackson County, Illinois.
- (6) Those portions of the watersheds of the Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts, lying within the Interstate Route 495 corridor.
- (7) Jackson Brook watershed, New Jersey.
- (8) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.
- (9) Southampton Creek watershed, Southampton, Pennsylvania.
- (10) Unami Creek watershed, Milford Township, Pennsylvania.
- (11) Amite River basin, Louisiana.
- (12) Iberville Parish, East Atchafalaya River basin, Louisiana.
- (13) Genesee River watershed, New York.
- (14) Tonawanda Creek watershed, New York.
- (15) Buffalo River watershed, New York.

- (16) Eighteenmile Creek watershed, Niagara County, New York.
- (17) Cattaraugus Creek watershed, New York.
- (18) Oswego River basin, New York.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000.

**SEC. 503. DAM SAFETY.**

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

- (1) Mountain Park Dam, Mountain Park, Georgia.
- (2) Barber Dam, Ada County, Idaho.
- (3) Fish Creek Dam, Blaine County, Idaho.
- (4) Lost Valley Dam, Adams County, Idaho.
- (5) Salmon Falls Dam, Twin Falls County, Idaho.
- (6) Whaley Lake Dam, Pawling, New York.
- (7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000.

**SEC. 504. STRUCTURAL INTEGRITY EVALUATIONS.**

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:

- (1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.
- (2) Project for flood damage reduction, Marianna Borough, Pennsylvania.
- (3) Project for flood damage reduction, Nonconnah Creek, Tennessee.

**SEC. 505. FLOOD MITIGATION PRIORITY AREAS.**

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

- (1) by striking “and” at the end of paragraph (27);
- (2) by striking the period at the end of paragraph (28) and inserting a semicolon; and
- (3) by adding at the end the following:
  - “(29) La Crosse County, Wisconsin;
  - “(30) Crawford County, Wisconsin;
  - “(31) Buffalo County, Wisconsin;
  - “(32) Calhoun County, Illinois;
  - “(33) Saint Charles County, Missouri;
  - “(34) Saint Louis County, Missouri;
  - “(35) Dubuque County, Iowa;
  - “(36) Scott County, Iowa;
  - “(37) Rock Island County, Illinois;
  - “(38) Ascension Parish, Louisiana;
  - “(39) East Baton Rouge Parish, Louisiana;
  - “(40) Iberville Parish, Louisiana; and
  - “(41) Livingston Parish, Louisiana.”.

**SEC. 506. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.**

Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

- (1) by striking “and” at the end of paragraph (7);
- (2) by striking the period at the end of paragraph (8) and inserting a semicolon; and
- (3) by adding at the end the following:
  - “(9) \$20,000,000 for the project described in subsection (c)(20);
  - “(10) \$20,000,000 for the project described in subsection (c)(25);
  - “(11) \$15,000,000 for the project described in subsection (c)(26);
  - “(12) \$7,800,000 for the project described in subsection (c)(27);
  - “(13) \$18,000,000 for the project described in subsection (c)(31); and
  - “(14) \$30,000,000 for the project described in subsection (c)(40).”.

**SEC. 507. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

- (1) Welch Point, Elk River, Cecil County, Maryland, and Chesapeake, Maryland, being carried out under section 535 of the Water Resources Development Act of 1999 (113 Stat. 348–349).
- (2) West View Shores, Cecil County, Maryland, being carried out under section 521 of the Water Resources Development Act of 2000 (114 Stat. 2655).
- (3) Sylvan Beach Breakwater, Verona, Oneida County, New York, being carried out under section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g).
- (4) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
- (5) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
- (6) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

**SEC. 508. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

- (1) Project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California.
- (2) Project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

**SEC. 509. SOUTHEASTERN WATER RESOURCES ASSESSMENT.**

The Secretary may provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States.

**SEC. 510. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by adding at the end the following: “The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.”.

**SEC. 511. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343) is amended by striking “and 2001” and inserting “through 2015”.

**SEC. 512. MEMBERSHIP OF MISSOURI RIVER TRUST.**

Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

- (1) by striking “and” at the end of clause (vii);
- (2) by redesignating clause (viii) as clause (ix); and
- (3) by inserting after clause (vii) the following:  
“(viii) rural water systems; and”.

**SEC. 513. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.**

Section 503(e) of the Water Resources Development Act of 1996 (110 Stat. 3757) is amended by striking “\$15,000,000” and inserting “\$25,000,000”.

**SEC. 514. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.**

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d; 114 Stat. 2646) is amended by striking “50 percent” and inserting “100 percent”.

**SEC. 515. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.**

(a) **EX OFFICIO MEMBER.**—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and section 2.2 of both the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without ad-

ditional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) **AUTHORIZATION TO ALLOCATE.**—The Secretary may allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of their respective interstate compacts.

(c) **WATER SUPPLY AND CONSERVATION STORAGE.**—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

**SEC. 516. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking “\$10,000,000” and inserting “\$30,000,000”.

**SEC. 517. MONTGOMERY, ALABAMA.**

The Secretary shall review the navigation and aquatic ecosystem restoration components of the Montgomery Riverfront and Downtown Master Plan, Montgomery, Alabama, dated May 2001, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed \$5,000,000.

**SEC. 518. ALASKA.**

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (e)(3)(B) by striking the last sentence;

(2) in subsection (h) by striking “\$25,000,000” and inserting “\$40,000,000”; and

(3) by adding at the end the following:

“(i) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

“(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 519. AKUTAN SMALL BOAT HARBOR, ALASKA.**

(a) **IN GENERAL.**—The Secretary shall expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion of the feasibility study, shall design and construct the project, if the Secretary determines that the project is feasible.

(b) **TREATMENT OF CERTAIN DREDGING.**—The headlands dredging for the mooring basin shall be considered general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

**SEC. 520. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

(a) **LONG-TERM MAINTENANCE AND REPAIR.**—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) **STUDY.**—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

**SEC. 521. ST. HERMAN HARBOR, KODIAK, ALASKA.**

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock that are impeding the entrance to the St. Herman Harbor, Kodiak, Alaska, at a Federal cost of \$2,000,000.

**SEC. 522. AUGUSTA AND CLARENDON, ARKANSAS.**

(a) **IN GENERAL.**—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) **REIMBURSEMENT.**—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

**SEC. 523. LOOMIS LANDING, ARKANSAS.**

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

**SEC. 524. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.**

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

**SEC. 525. CAMBRIA, CALIFORNIA.**

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

- (1) by striking “\$10,300,000” and inserting the following:  
“(A) IN GENERAL.—\$10,300,000”;
- (2) by adding at the end the following:  
“(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.”; and
- (3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 526. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

Section 219(f)(22) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

- (1) by striking “\$25,000,000” and inserting the following:  
“(A) IN GENERAL.—\$25,000,000”;
- (2) by adding at the end the following:  
“(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.”; and
- (3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 527. HARBOR/SOUTH BAY, CALIFORNIA.**

Section 219(f)(43) of the Water Resources Development Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220) is amended by striking “California.” and inserting “California, and for the Southern Los Angeles County Groundwater Pipeline Project, Pico Rivera, Downey, Bellflower, Paramount Lakewood, and Long Beach, California.”.

**SEC. 528. SACRAMENTO AREA, CALIFORNIA.**

Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

- (1) by striking “\$25,000,000” and inserting “\$35,000,000”; and
- (2) by inserting “water supply and” before “regional”.

**SEC. 529. SAN FRANCISCO, CALIFORNIA.**

(a) **PIER 70 WHARF 5 REMOVAL AND DREDGING PROJECT.**—The Secretary, in cooperation with the Port of San Francisco, shall carry out the project for removal of Wharf 5 and associated pilings and dredgings at Pier 70 in San Francisco, California, substantially in accordance with the Port’s redevelopment plans.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,600,000 to carry out this section.

**SEC. 530. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.**

(a) **AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.**—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California,

waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) **NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.**—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and southerly along said line of jurisdiction as described in the State of California Harbor and Navigable Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street produced southerly; thence northerly along said easterly line of Townsend Street produced to its intersection with the United States Government pier-head line; thence following said pier-head line westerly and northerly to its intersection with the existing boundary line of Piers 30/32, then northerly and easterly along the existing boundary of Piers 30/32 until its intersection with the United States Government pier-head line, thence following said pier-head line westerly and northerly to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) **REQUIREMENT THAT AREA BE IMPROVED.**—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) **EXPIRATION DATE.**—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

#### **SEC. 531. STOCKTON, CALIFORNIA.**

The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13). If the Secretary determines that such elements are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of such Act for the Federal share of the cost of such elements.

#### **SEC. 532. EVERGLADES RESTORATION, FLORIDA.**

##### **(a) COMPREHENSIVE PLAN.**—

(1) **HILLSBORO AND OKEECHOBEE AQUIFER.**—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(A) in clause (i) by adding at the end the following: “The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan.”; and

(B) in clause (iii) by inserting after “subparagraph (B)” the following: “and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer”.

(2) **OUTREACH AND ASSISTANCE.**—Section 601(k) of such Act (114 Stat. 2691–2692) is amended by adding at the end the following:

“(3) **MAXIMUM EXPENDITURES.**—The Secretary may expend up to \$3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection.”.

(b) **CRITICAL RESTORATION PROJECTS.**—Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking “\$75,000,000” and all that follows through “2003” and inserting “\$95,000,000”; and

(2) in clause (ii) by striking “\$25,000,000” and inserting “\$30,000,000”.

**SEC. 533. MAYO'S BAR LOCK AND DAM, COOSA RIVER, ROME, GEORGIA.**

The Secretary may provide assistance for the reconstruction of the Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.

**SEC. 534. RILEY CREEK RECREATION AREA, IDAHO.**

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

**SEC. 535. GRAND TOWER DRAINAGE AND LEVEES, GRAND TOWER TOWNSHIP, ILLINOIS.**

(a) **IN GENERAL.**—The Secretary is authorized to perform operation and maintenance of authorized and completed levees on the Mississippi River in Grand Tower Township, Illinois.

(b) **ALLOCATION OF COSTS.**—The Secretary shall allocate the cost of operation and maintenance performed under subsection (a) on the basis of whether the lands protected by the levees are owned by the United States.

(c) **NON-FEDERAL COSTS.**—If the lands protected by the levees are not owned by the United States, the cost of operation and maintenance allocated to protecting such lands under subsection (b) shall be a non-Federal cost.

(d) **FEDERAL COSTS.**—If the lands protected by the levees are owned by the United States, the cost of operation and maintenance allocated to protecting such lands under subsection (b) shall be a Federal cost. After performing the operation and maintenance under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Agriculture of an amount equal to the costs allocated to protecting lands owned by the Department of Agriculture.

**SEC. 536. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.**

(a) **KASKASKIA RIVER BASIN DEFINED.**—In this section, the term “Kaskaskia River basin” means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) **COMPREHENSIVE PLAN.**—

(1) **DEVELOPMENT.**—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River basin.

(2) **TECHNOLOGIES AND INNOVATIVE APPROACHES.**—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

- (A) to enhance the Kaskaskia River as a transportation corridor;
- (B) to improve water quality within the entire Kaskaskia River basin;
- (C) to restore, enhance, and preserve habitat for plants and wildlife;
- (D) to increase economic opportunity for agriculture and business communities; and
- (E) to reduce the impacts of flooding to communities and landowners.

(3) **SPECIFIC COMPONENTS.**—The comprehensive plan shall include such features as are necessary to provide for—

- (A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;
- (B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;
- (C) the development and implementation of a long-term resource monitoring program;
- (D) the development and implementation of a computerized inventory and analysis system; and
- (E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) **CONSULTATION.**—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) **ADDITIONAL STUDIES AND ANALYSES.**—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) **GENERAL PROVISIONS.**—



(1) **WATER QUALITY.**—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) **PUBLIC PARTICIPATION.**—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) **COORDINATION.**—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) **COST SHARING.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) **IN-KIND SERVICES.**—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River basin.

**SEC. 537. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

**SEC. 538. ILLINOIS RIVER BASIN RESTORATION.**

Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking “2004” and inserting “2010”.

**SEC. 539. CALUMET REGION, INDIANA.**

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended—

(1) by striking “\$10,000,000” and inserting “\$30,000,000”; and

(2) by striking “Lake and Porter” and inserting “Benton, Jasper, Lake, Newton, and Porter”.

**SEC. 540. RATHBUN LAKE, IOWA.**

(a) **CONVEYANCE.**—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the “Water Association”).

(b) **COST SHARING.**—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) **TERMS AND CONDITIONS.**—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake,

subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

**SEC. 541. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.

**SEC. 542. SOUTHERN AND EASTERN KENTUCKY.**

(a) **PROJECT PURPOSES.**—Section 531(b) of the Water Resources Development Act of 1996 (110 Stat. 3773) is amended by inserting before “and resource” the following: “, environmental restoration,”.

(b) **DEFINITION.**—Section 531(g) of such Act (110 Stat. 3774) is amended by inserting after “Lee,” the following: “Bath, Rowan,”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 531(h) of such Act (110 Stat. 3774; 113 Stat. 348) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

(d) **CORPS OF ENGINEERS EXPENSES.**—Section 531 of such Act (110 Stat. 3774; 113 Stat. 348) is amended by adding at the end the following:

“(i) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 543. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION.**

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COASTAL LOUISIANA ECOSYSTEM.**—The term “Coastal Louisiana Ecosystem” means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

(2) **GOVERNOR.**—The term “Governor” means the Governor of Louisiana.

(3) **TASK FORCE.**—The term “Task Force” means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by subsection (e).

(b) **COMPREHENSIVE PLAN.**—

(1) **IN GENERAL.**—The Secretary shall develop a comprehensive plan for the purpose of protecting, preserving, and restoring the Coastal Louisiana Ecosystem. The comprehensive plan shall provide for the protection, conservation and restoration of the wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) **DEADLINE.**—Not later than July 1, 2004, the Secretary shall transmit the plan to Congress.

(3) **CONTENTS.**—The plan shall include a comprehensive report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(4) **ADDITIONAL STUDIES AND ANALYSES.**—After transmission of a report under this subsection, the Secretary may conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) **INTEGRATION OF OTHER ACTIVITIES.**—

(1) **IN GENERAL.**—In developing the plan under subsection (b), the Secretary shall integrate ongoing Federal and State projects and activities, including projects implemented under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq.), the Louisiana Coastal Wetlands Conservation Plan, the Louisiana Coastal Zone Management Plan, and the plan of the State of Louisiana entitled “Coast 2050: Toward a Sustainable Coastal Louisiana”.

(2) **STATUTORY CONSTRUCTION.**—

(A) **EXISTING AUTHORITY.**—Except as otherwise expressly provided for in this section, nothing in the section affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection or restoration activities in the Coastal Louisiana Ecosystem, including projects and activities specified in paragraph (1) of—

- (i) the Department of the Army;
- (ii) the Department of the Interior;
- (iii) the Department of Commerce;
- (iv) the Environmental Protection Agency;

- (v) the Department of Agriculture;
- (vi) the Department of Transportation;
- (vii) the Department of Energy; and
- (viii) the State of Louisiana.

(B) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) COST SHARING.—The non-Federal share of the cost of developing the plan under subsection (b) shall be 50 percent.

(e) COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal Agency, a designee at the level of Assistant Secretary or an equivalent level):

- (A) The Secretary.
- (B) The Secretary of the Interior.
- (C) The Secretary of Commerce.
- (D) The Administrator of the Environmental Protection Agency.
- (E) The Secretary of Agriculture.
- (F) The Secretary of Transportation.
- (G) The Secretary of Energy.
- (H) The Coastal Advisor to the Governor.
- (I) The Secretary of the Louisiana Department of Natural Resources.
- (J) A representative of the Governor's Advisory Commission on Coastal Restoration and Conservation, Louisiana.

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem protection, restoration, and maintenance;

(D) shall establish a regional working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may allow the working group described in subparagraph (D) to—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties; and

(ii) select as an advisory body any entity that represents a broad variety of private and public interests;

(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(G) shall coordinate scientific research associated with the protection and restoration of the Coastal Louisiana Ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their protection and restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the protection, conservation, and restoration of the Coastal Louisiana Ecosystem; and

(J) shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that summarizes the activities of the Task Force.

(3) PROCEDURES AND ADVICE.—

(A) PUBLIC PARTICIPATION.—

(i) IN GENERAL.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of proceedings of meetings available for public inspection.

(ii) OVERSIGHT.—The Secretary shall ensure that the procedures described in clause (i) are adopted and implemented and that the records

described in clause (i) are accurately maintained and available for public inspection.

(B) ADVISORS TO THE TASK FORCE AND WORKING GROUPS.—The Task Force or the working group described in paragraph (2)(D) may seek such advice and input from any interested, knowledgeable, or affected party as the Task Force or working group determines to be necessary to perform the duties described in paragraph (2).

(C) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Task Force, advisors to the Task Force, and any associated workgroups shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App).

(4) COMPENSATION.—A member of the Task Force shall receive no additional compensation for the services provided as a member of the Task Force.

(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency or entity that the member represents.

**SEC. 544. BATON ROUGE, LOUISIANA.**

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking “\$20,000,000” and inserting “\$35,000,000”.

**SEC. 545. WEST BATON ROUGE PARISH, LOUISIANA.**

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

“(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for water-front and riverine preservation, restoration, enhancement modifications, and interpretive center development.”.

**SEC. 546. CHESAPEAKE BAY SHORELINE, MARYLAND, VIRGINIA, PENNSYLVANIA, AND DELAWARE.**

(a) IN GENERAL.—In carrying out comprehensive study of the feasibility of a project to address shoreline erosion and related sediment management measures to protect water and land resources of the Chesapeake Bay, the Secretary may carry out pilot projects to demonstrate the feasibility of alternative measures to address sediment loads to the Chesapeake Bay from sediment behind dams on the lower Susquehanna River.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 547. DELMARVA CONSERVATION CORRIDOR, MARYLAND.**

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture in carrying out the Conservation Corridor Demonstration Program authorized under subtitle G of title II of Public Law 107–171 (116 Stat. 275–278).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the State of Maryland on land located on the east side of the Chesapeake Bay, the Secretary shall coordinate and integrate, to the extent practicable, such projects with any activities undertaken to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of Public Law 107–171 (116 Stat. 275–276).

**SEC. 548. DETROIT RIVER, MICHIGAN.**

Section 568(c)(2) of the Water Resources Development Act of 1999 (113 Stat. 368) is amended by striking “\$1,000,000” and inserting “\$25,000,000”.

**SEC. 549. OAKLAND COUNTY, MICHIGAN.**

Section 219(f)(29) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended by inserting “sanitary sewer overflows and” before “combined sewer overflows”.

**SEC. 550. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed \$10,000,000.

**SEC. 551. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by adding at the end the following: “Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.”.

**SEC. 552. NORTHEASTERN MINNESOTA.**

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking “Benton, Sherburne,” and inserting “Beltrami, Hubbard, Wadena,”;

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.”; and

(4) by adding at the end the following:

“(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368–369), for planning, design, and construction costs incurred by the non-Federal interest with respect to the project before the date of the cooperation agreement for the project and were in excess of the non-Federal share of the project costs if the Secretary determines that the costs are appropriate.

**SEC. 553. ST. LOUIS, MISSOURI.**

Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337) is amended by striking “\$15,000,000” and inserting “\$35,000,000”.

**SEC. 554. RURAL NEVADA.**

Section 595(h)(1) of the Water Resources Development Act of 1999 (113 Stat. 384) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

**SEC. 555. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a) by striking “Hackensack Meadowlands Development” and all that follows through “Plan for” and inserting “New Jersey Meadowlands Commission for the development of an environmental improvement program for”;

(2) in subsection (b)—

(A) in the subsection heading by striking “REQUIRED”;

(B) by striking “shall” and inserting “may”; and

(C) by striking paragraph (1) and inserting the following:

“(1) Enhancement and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.”;

(3) in subsection (c) by inserting before the last sentence the following: “The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the cooperation agreement with the Secretary for a project to be carried out under the program developed under subsection (a).”; and

(4) in subsection (d) by striking “\$5,000,000” and inserting “\$35,000,000”.

**SEC. 556. ATLANTIC COAST OF NEW YORK.**

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking “processes” and inserting “and related environmental processes”;

(2) by inserting after “Atlantic Coast” the following: “(and associated back bays)”;

(3) by inserting after “actions” the following: “, environmental restoration or conservation measures for coastal and back bays,”; and

(4) by inserting at the end the following: “The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.”.

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking “INITIAL PLAN.—Not later than 12 months after the date of enactment of this Act, the” and inserting “ANNUAL REPORTS.—The”;

(2) by striking “initial plan for data collection and monitoring” and inserting “annual report of data collection and monitoring activities”; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking “and an additional total of \$2,500,000 for fiscal years thereafter” and inserting “\$2,500,000 for fiscal years 2000 through 2002, and \$17,000,000 for fiscal years beginning after September 30, 2002,”.

**SEC. 557. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in College Point, New York City, New York.

**SEC. 558. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.**

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 559. LITTLE NECK BAY, VILLAGE OF KINGS POINT, NEW YORK.**

(a) IN GENERAL.—The Secretary may carry out a navigation project at Little Neck Bay (Hague Basin), Village of Kings Point, New York, sufficient to permit the safe operation of the vessel T/V Kings Pointer at all tide levels.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the United States Merchant Marine Academy for the cost of the project carried out under this section.

**SEC. 560. STANLEY COUNTY, NORTH CAROLINA.**

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting “water and” before “wastewater”.

**SEC. 561. PIEDMONT LAKE DAM, OHIO.**

In reconstructing the road on the Piedmont Lake Dam as part of the project for dam safety assurance, Piedmont Lake Dam, Ohio, being carried out under section 4 of the Flood Control Act of August 11, 1939 (53 Stat. 1414–1415), the Secretary shall upgrade the condition of the road to meet standards applicable to public use roads in the State of Ohio. The incremental cost of upgrading the road to meet such standards shall be a non-Federal expense.

**SEC. 562. WAURIKA LAKE, OKLAHOMA.**

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

**SEC. 563. COLUMBIA RIVER, OREGON.**

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944), is amended by inserting “and Celilo Village, Oregon” after “existing sites”.

**SEC. 564. EUGENE, OREGON.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, shall carry out the restoration.

(b) CONSIDERATION OF NON-ECONOMIC BENEFITS.—In determining the feasibility of restoring the millrace, the Secretary shall include non-economic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

**SEC. 565. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.**

(a) IN GENERAL.—The Secretary shall pay up to \$2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of the multi-purpose project, John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000.

**SEC. 566. LOWELL, OREGON.**

(a) **IN GENERAL.**—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title and interest of the United States in and to approximately 3.32 acres of land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in subsection (b).

(b) **DESCRIPTION OF PROPERTY.**—The parcel of land authorized to be conveyed under subsection (a) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) **TERMS AND CONDITIONS.**—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) **GENERALLY APPLICABLE PROVISIONS.**—

(1) **APPLICABILITY OF PROPERTY SCREENING PROVISIONS.**—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) **LIABILITY.**—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

**SEC. 567. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYLVANIA.**

The Secretary may rehabilitate the pumps at the project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania, at a total Federal cost of \$225,000.

**SEC. 568. NORTHEAST PENNSYLVANIA.**

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking “and Monroe” and inserting “Northumberland, Union, Snyder, and Montour”.

**SEC. 569. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD, RAYSTOWN LAKE, PENNSYLVANIA.**

(a) **IMPROVEMENT OF ACCESS ROAD.**—The Secretary may make improvements to the Susquehannock Campground access road at Raystown Lake, Pennsylvania.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$500,000.

**SEC. 570. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

Section 567 of the Water Resources Development Act of 1996 (114 Stat. 2662–2663; 110 Stat. 3787–3788) is amended—

(1) in subsection (a)(2) by striking “\$10,000,000.” and inserting the following: “\$20,000,000, of which the Secretary may utilize not more than \$5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed \$500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.”.

(2) in subsection (c)—

(A) in the subsection heading by striking “COOPERATION” and inserting “COOPERATIVE”; and

(B) by striking “cooperation” and inserting “cooperative”; and

(3) by adding at the end the following:

“(e) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.”.

**SEC. 571. WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.**

Section 219(f)(70) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by striking “\$8,000,000” and inserting “\$13,300,000”.

**SEC. 572. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, may carry out the project, at a total cost of \$130,000,000, with an estimated Federal cost of \$85,000,000 and an estimated non-Federal cost of \$45,000,000.

**SEC. 573. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.**

Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended—

- (1) by striking “\$15,000,000” and inserting “\$35,000,000”; and
- (2) by inserting “wastewater treatment and” before “water supply”.

**SEC. 574. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH DAKOTA.**

(a) **IN GENERAL.**—The Secretary shall review the project for flood damage reduction, Upper Big Sioux River basin, Watertown, South Dakota, as described in the report of the Chief of Engineers, dated August 31, 1994, and entitled “Watertown and Vicinity, South Dakota” and, if the Secretary determines that the project is feasible, may carry out the project, at a total cost of \$25,000,000.

**(b) NON-FEDERAL SHARE.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of the review may be provided in the form of in-kind services and materials.

(2) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the review the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for the review if the Secretary determines that such work is integral to the review.

**SEC. 575. FRITZ LANDING, TENNESSEE.**

The Secretary shall—

- (1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;
- (2) design and construct such modifications; and
- (3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled “An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes”, approved May 15, 1928 (45 Stat. 534–539), commonly known as the “Flood Control Act of 1928”.

**SEC. 576. MEMPHIS, TENNESSEE.**

The Secretary shall review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan, Memphis, Tennessee, prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers and that the component is feasible, may carry out the component at a total Federal cost not to exceed \$5,000,000.

**SEC. 577. TOWN CREEK, LENOIR CITY, TENNESSEE.**

The Secretary shall construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, at a total cost of \$1,250,000.

**SEC. 578. TENNESSEE RIVER PARTNERSHIP.**

(a) **IN GENERAL.**—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the Rivers and Harbors Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$500,000.

**SEC. 579. CLEAR CREEK AND TRIBUTARIES, HARRIS AND GALVESTON COUNTIES, TEXAS.**

The Secretary shall expedite completion of the report for the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris and Galveston Counties, Texas.

**SEC. 580. HALLS BAYOU, TEXAS.**

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended—



- (1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and
- (2) by inserting after paragraph (6) the following:  
 “(7) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.”.

**SEC. 581. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

(a) STUDY.—

- (1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully watershed, Harris County, Texas, to provide flood protection for the Texas Medical Center, Houston, Texas.
- (2) USE OF LOCAL STUDIES AND PLANS.—In conducting the study, the Secretary shall use, to the extent practicable, studies and plans developed by the non-Federal interest if the Secretary determines that such studies and plans meet the evaluation and design standards of the Corps of Engineers.
- (3) COMPLETION DATE.—The Secretary shall complete the study by July 1, 2004.
- (b) CRITICAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary may carry out critical flood damage reduction measures that the Secretary determines are feasible and that will provide immediate and substantial flood damage reduction benefits in the Harris Gully watershed, at a Federal cost of \$7,000,000.
- (c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that such work is integral to the project.
- (d) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit entity may, with the consent of the local government, serve as a non-Federal interest for the project undertaken under this section.

**SEC. 582. ONION CREEK, TEXAS.**

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction and ecosystem restoration, Onion Creek, Texas, the cost of relocation of flood prone residences in the study area for the project incurred by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

**SEC. 583. PELICAN ISLAND, TEXAS.**

- (a) IN GENERAL.—Section 108(a) of the Energy and Water Development Appropriations Act, 1994 (33 U.S.C. 59hh(a)) is amended—
  - (1) by striking “The Secretary” and inserting the following:  
 “(1) AUTHORITY TO CONVEY.—The Secretary”;
  - (2) by adding at the end the following:  
 “(2) LETTER OF INTENT.—
    - “(A) IN GENERAL.—The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and approves a proposal by the city designating the land which would be subject to such development.
    - “(B) DISPOSITION OF SPOIL.—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.”; and
  - (3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).
- (b) EXPIRATION DATE.—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date of the enactment of this Act” and inserting “date of enactment of the Water Resources Development Act of 2002”.

**SEC. 584. RIVERSIDE OXBOW, FORT WORTH, TEXAS.**

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration and recreation, Riverside Oxbow, Fort Worth, Texas, the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 585. RICHMOND NATIONAL BATTLEFIELD PARK, RICHMOND, VIRGINIA.**

(a) IN GENERAL.—The Secretary is authorized to carry out bluff stabilization measures on the James River in the vicinity of Drewry's Bluff, Richmond National Battlefield Park, Richmond, Virginia.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the Secretary of the Interior of any costs incurred by the Secretary in carrying out subsection (a).

**SEC. 586. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

**SEC. 587. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction, Chehalis River, Centralia, Washington, the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 588. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also known as "Strawberry Island") in Skamania County, Washington.

**SEC. 589. PUGET ISLAND, WASHINGTON.**

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of \$1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

**SEC. 590. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking "flood control measures" and inserting "structural and non-structural flood control, streambank protection, stormwater management, and channel clearing and modification measures"; and

(2) by inserting "with respect to measures that incorporate levees or floodwalls" before the semicolon.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "\$12,000,000" and inserting "\$90,000,000".

**SEC. 591. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

**SEC. 592. CENTRAL WEST VIRGINIA.**

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking "Nicholas,"; and

(B) by striking "Gilmer,"; and

(2) by adding at the end the following:

"(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

"(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense."

**SEC. 593. SOUTHERN WEST VIRGINIA.**

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

“(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting “Nicholas,” after “Greenbrier,”.

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

“(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.”.

#### SEC. 594. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended by adding at the end the following:

“(71) PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

“(72) CHARLESTON, SOUTH CAROLINA.—\$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.

“(73) CROSS, SOUTH CAROLINA.—\$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.

“(74) SURFSIDE, SOUTH CAROLINA.—\$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

“(75) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

“(76) TIA JUANA VALLEY, CALIFORNIA.—\$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.

“(77) CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.

“(78) RICHMOND COUNTY, NORTH CAROLINA.—\$8,000,000 for water-related infrastructure, Richmond County, North Carolina.

“(79) UNION COUNTY, NORTH CAROLINA.—\$9,000,000 for wastewater infrastructure, Union County, North Carolina.

“(80) WASHINGTON, DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.

“(81) GREENLEAF, IDAHO.—\$500,000 for water and wastewater infrastructure, Greenleaf, Idaho.

“(82) WEISER, IDAHO.—\$330,000 for wastewater infrastructure, Weiser, Idaho.

“(83) COOLIN, IDAHO.—\$2,200,000 for wastewater infrastructure, Coolin, Idaho.

“(84) JEROME, IDAHO.—\$5,000,000 for wastewater infrastructure, Jerome, Idaho.

“(85) LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

“(86) AWENDAW, SOUTH CAROLINA.—\$2,000,000 for water-related infrastructure, Awendaw, South Carolina.

“(87) ST. CLAIR COUNTY, ALABAMA.—\$5,000,000 for water-related infrastructure, St. Clair County, Alabama.

“(88) EAST BAY, SAN FRANCISCO AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

“(89) ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.”.

#### PURPOSE OF LEGISLATION

The Water Resources Development Act of 2002 (WRDA 02) includes project authorizations, modifications, deauthorizations, studies and policy initiatives for the Army Corps of Engineers’ Civil Works Program—the nation’s largest water resources program. Throughout its five titles, the bill authorizes and directs the Corps to carry out various studies, projects, and programs relating to navigation, flood damage reduction, shoreline protection, dam safe-

ty, water supply, recreation, environmental restoration and protection.

#### BACKGROUND AND NEED FOR LEGISLATION

WRDA 02 demonstrates the continuing commitment of the Committee on Transportation and Infrastructure to the Nation's water resources infrastructure, and a regular biennial authorization schedule for the Civil Works Program of the Army Corps of Engineers (Corps), which was instituted by WRDA 86. The Committee believes that passage of WRDA 02 is vitally important to fulfill commitments to non-Federal sponsors, to be responsive to new and emerging water resources needs, and to fine-tune the Corps' missions and responsibilities.

The Committee recognizes the value of the Corps and the Corps' Civil Works missions to the Nation and the critical importance of maintaining these vital contributions. Over the years, the Corps has maintained flexibility in its Civil Works missions to meet the changing needs of the Nation. The Corps has an impressive history of helping to meet the Nation's water resources needs. For over 175 years, the Corps has supported navigation needs by maintaining and improving the Nation's waterways in 41 states. The Corps also maintains 300 commercial harbors, through which pass 2 billion tons of cargo a year, and with more than 13 million American jobs dependent on our import and export trade, these ports are vital to our economic security. The ports and waterways maintained by the Corps also play a vital role in national defense.

Corps flood damage reduction efforts range from small, local protection projects (levees or non-structural flood damage reduction measures) to major dams. Today, most Corps constructed flood protection projects are owned by sponsoring cities, towns, and agricultural districts, but the Corps continues to maintain and operate 383 dams and reservoirs for flood damage reduction. During the 10 years from 1991 through 2000 the United States suffered \$45 billion in property damage from floods. During that same period, however, Corps flood damage reduction measures prevented more than \$208 billion in damage—82% of the damage that would have occurred if the protection were absent.

Legislation passed in 1990 established environmental protection as one of the primary missions of the Corps—along with navigation and flood damage reduction. Since that time, ecosystem restoration projects have grown increasingly popular throughout the country, resulting in over \$1.3 billion in appropriations for environmental activities. The Corps has provided the necessary leadership on large-scale ecosystem restoration projects, including restoring the hydrologic regime for the Everglades in Florida and addressing wetland losses of catastrophic proportion in Coastal Louisiana. In addition, the Corps carries out environmental and natural resource management programs at its projects, managing thousands of square miles as forest and wildlife habitat, monitoring water quality at its dams, and in some cases restoring the environment at projects built in earlier days.

As the Corps program continues to evolve in service to the Nation, the Committee notes with interest the efforts of the Chief of Engineers to encourage a more holistic approach to water resources management. An increased emphasis on watershed and basin-wide

planning, conducted in conjunction with state and local governments and non-public stakeholders, can lead to a more sustainable use of water resources that integrates water development, protection, and restoration. The Corps can play a particularly important role in facilitating planning when the issues affecting water resources concern multiple jurisdictions. The Corps is encouraged to pursue efforts to improve coordination and cooperation in the development of recommended approaches to address water resources problems and formulating plans to solve these problems.

#### DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title; table of contents*

(a) Short Title.—Establishes the short title of this Act as the “water Resources Development Act of 2002”.

(b) Table of Contents.

##### *Section 2. Definition of Secretary*

Defines the term “Secretary,” which is used throughout the bill, as the Secretary of the Army.

#### TITLE I—WATER RESOURCES PROJECTS

##### *Section 101. Project authorization*

This section authorizes projects for water resources development and conservation to be carried out substantially in accordance with the reports of the Chief of Engineers cited for each project, except as otherwise provided.

##### *(1) Pine Flat Dam Fish and Wildlife Habitat Restoration, Fresno County, California*

*Location of Study Area:* The project area is located at Pine Flat Dam on the Kings River in central California, 25 miles east of Fresno.

*Problems and Opportunities Identified in Study:* The construction of Pine Flat dam on the Kings river has altered the natural hydraulics and temperatures of the river, affected the vegetation, restricted native coldwater fish movements, which resulted in the decline of the fishery, affected fish and wildlife resources and aquatic wetland habitats, and further accelerated the decline of the riverine ecosystem habitat.

Due to the design and operation of Pine Flat Dam, the reservoir can experience a significant increase in water temperature at certain times of the year. When there is adequate water, water temperatures are well within the optimal range for the survival of both coldwater and warm water fish. In lower-water years, however, the availability of coldwater habitat for native fisheries in the reservoir and lower King River can decrease dramatically.

Water releases from Pine Flat Lake influence the fishery downstream in the lower Kings River. During dry and below average precipitation years, with below average carryover storage, the coldwater reserves may be depleted from the reservoir by late summer and early fall, causing water temperatures in the reservoir and lower Kings River to exceed levels acceptable for coldwater fish growth and survival. In addition, low instream flows can adversely

affect food supply, spatial habitat, and access to shaded riverine aquatic (SRA) habitat, and provide favorable habitat for nonnative warm water fishery growth, which further declines the native cold water survival rate. Finally, various land use activities have resulted in some loss of riparian, SRBA, and oak-woodland habitat, which has depleted the food source to the associated wildlife and special-status species along the river.

*Alternative Plans Considered:* The four alternative plans considered include: (1) no action; (2) constructing a multilevel intake structure on the upstream face of the face of the dam to manage the temperature of downstream water releases to preserve the cold water in the reservoir and promote downstream water temperature suitable to sustain the native coldwater fishery throughout the year; (3) reestablishing historic floodplain riparian, SRA, and wildlife habitat at Byrd Slough along the Kings River immediately south of the Friant-Kern Canal Siphon; and (4) a combination of alternatives 2 and 3.

*Description of Recommended Plan:* The recommended plan, alternative 4, provides for construction of a multilevel intake structure on the upstream face of Pine Flat Dam to allow for temperature-controlled releases through the power of the base of the dam. The plan also includes the restoration of about 143.5 acres of historic flood plain, shaded riverine aquatic habitat, and wildlife habitat at Byrd Slough along the Kings River.

*Physical Data on Project Features:*

(a) Multilevel Intake Structure: A multilevel intake structure would be constructed on the upstream face of Pine Flat Dam. This multilevel intake structures would consist of three separate steel (space frame) structures which extend from elevation 953.46 feet, mean sea level (msl), downward to elevation 616.5 feet, msl. The three separate steel structures would fit over the three existing power penstock intakes. Each of the three structures would have three port openings and gates. There would be a hoist and cable unit (including a motor) for each of the nine openings. The three port openings would be 25 feet high and 42 feet wide and will be staggered at seven different elevations that would permit selective withdrawal of water from a wide range of levels in the reservoir.

Steel gates measuring 27 feet high by 44 feet wide would be constructed to close off each of the new port openings. One gate on all three of the structures would be at the same elevation, and two gates on each of the structures would be at different elevations. The gates would open in the downward direction and would sit in a structural channel when completely open. This design would take the gate loadings off the hoist cable. Cladding would be placed on the space frame to enclose each of the structures. Steel plates would be put on the bottom of each of the space frame structures to prevent water from leaking into each structure. A trash rack would be placed on the front face of each of the structures to prevent any large debris from entering the port openings and to protect the structure.

(b) Byrd Slough Habitat Restoration: About 143.5 acres of Fresno County land downstream of the dam and immediately south of the Friant-Kern Canada siphon would be acquired by conservation easement to reestablish riparian and SRA habitat for fish and wildlife along the Kings River. The restoration work would involve re-

pairing perimeter forces to exclude cattle from the restoration area, installing revegetation signs at the fishing access parking area, planting restoration species (250 plants per acre), designing an irrigation system to the planted areas, and installing wildlife habitat enhancement structures. In order of priority, these structures could include brush piles, bluebird boxes, bat boxes, raptor perches, wood duck boxes, and/or songbird perches.

*Views of States, Non-Federal Interests and Other Countries:* The sponsor, Kings River Conservation District, has continued to express support for the project, understands the cost sharing requirements during preconstruction engineering and design and is prepared to execute a cost sharing agreement upon completion of the feasibility study.

*Views of Federal and Regional Agencies:* The Department of the Interior generally concurs in the recommended plan. The Environmental Protection Agency supports the project. The Kings River Conservation District strongly supports the recommended multi-level intake structure and the Byrd Slough Habitat Restoration plan. The U.S. Fish and Wildlife Service supports the recommended plan as indicated in their finding in the Coordination Act Report.

#### *Estimated Implementation Costs*

[October 2001 price levels]

	<i>Cost-sharing</i>
Federal: Corps of Engineers .....	\$24,020,000
Non-Federal: Kings River conservation District .....	13,080,000
Total .....	37,100,000

*Description of Non-Federal Implementation Costs:* Non-Federal implementation costs include \$335,000 for land acquisition and the rest will be cash.

#### *Estimated annual O&M costs*

[October 2001 price levels]

	<i>Cost-sharing</i>
Federal: Corps of Engineers .....	0
Non-Federal: Kings River Conservation District .....	\$56,000
Total .....	56,000

*Description of Non-Federal O&M Costs:* The operation and maintenance costs for the multilevel intake structure consist of routine maintenance and replacement of parts over the life of the project. The operation and maintenance costs for the Byrd Slough Habitat area include monitoring and periodic maintenance of fencing.

*Direct Beneficiaries:* The long-term benefit is an increase in the survival of coldwater species in the lower Kings River downstream from Pine Flat Dam and reestablishment of about 143.5 acres of historic floodplain habitat.

#### *(2) Morganza, Louisiana to the gulf of Mexico, Louisiana*

*Location of Study Area:* The study is located in south Louisiana between the Mississippi and Atchafalaya rivers. Bayou Lafourche forms the western study boundary and Bayou du Large and Louisiana Highway 311 from the eastern boundary. The eastern and western boundaries form an apex at Thibodaux, Louisiana, with the southern boundary being the Gulf of Mexico.

*Problems and Opportunities Identified in Study:* Hurricanes and tropical storms cause widespread flooding of residential and commercial property in the study area. In the summer and fall of 1998, three tropical storms and two hurricanes posed threats to the Louisiana coast and some degree of flooding was experienced. The study basin consists of saline and fresh marshes, cypress and tupelogum swamps, bottomland hardwood forests, farmlands, industry (both heavy and light), residential, and other developed areas. Development in the area occurred along alluvial ridges that support numerous communities, agricultural developments, and industries, approximately half of the structures in the study area are adjacent to one of many bayous and waterways that intersect the study area. Significant developments located in the study area include the cities of Thibodaux and Houma. The elevations along bayou ridges just south of Houma are 4–5 feet National Geodetic Vertical Datum (NGVD) and less than 1 foot NGVD near the gulf of Mexico. The Terrebonne Levee and Conservation District currently maintains approximately 20 miles of forced drainage levees in various communities, including flood damage reduction structures and drainage pumping stations. The existing levees have a maximum elevation of +7.0 feet NGVD. The levees protect against weak tidal and rainfall events, but not hurricanes. Following Hurricane Andrew in 1992, Terrebonne Parish residents qualified for more than \$23 million FEMA claim settlements. However, it is estimated that Hurricane Andrew caused \$55 million in losses in Terrebonne Parish alone because of damage to crops and other uninsured property. Hurricane Andrew destroyed over 360 homes and damaged approximately 2,900 homes in Terrebonne Parish. Over 90 percent of the damage occurred in Terrebonne Parish south of Houma, where up to 6 feet of water was reported in residential and commercial structures.

*Alternative Plans Considered:* Eight alternative plans were evaluated during the feasibility study. A preliminary screening was performed to reduce the scope and focus detailed engineering efforts on the plans that provided the most benefit. Two structural alternatives and various non-structural alternatives were evaluated in detail throughout feasibility. The structural alternatives were known as the Reconnaissance Alignment and the Highway 57 Alignment. Both alternatives involved raising existing levees and constructing new levees to provide reliable protection against a 50-, 85-, 100- and 500-year flood frequency event. The structural plans included earthen levees, sector-gated floodgate structures and environmental water control structures in the levees that would maintain tidal ebb and flow. The non-structural plans involved relocation and buy-out and elevation of structures within the study area.

*Description of Recommended Plan:* The Recommended Plan (the National Economic Development Plan) is the 100-year Highway 57 Alignment. Project features include approximately 72 miles of earthen levees with 12 sector-gated floodgate structures, 12 environmental water control structures road closure structures, numerous pipeline relocations, several minor pump station discharge realignments and other minor features.

*Physical Data on Project Features:* Each project feature listed above is a critical component of the levee system, which will pro-



vide Terrebonne Parish with a reliable 100-year level of flood protection. In general, many existing levees will be raised approximately three to seven feet and widened with an impervious earthen material excavated from nearby borrow sites. All floodgates and road closure structures will provide a reliable and efficient means to close off vulnerable gaps in the levee system. A total of six pump station discharge pipes will be relocated through the levee protection to maintain interior drainage. Numerous oilfield pipelines will either be relocated over the levee or buried to a sufficient depth below the levee.

*Views of States, Non-Federal Interests and Other Counties:* The project is strongly supported by the State of Louisiana, Louisiana, Department of Transportation and Development (Local Sponsor), Terrebonne Parish, City of Houma, Terrebonne Levee and Conservation District, and Congressional representatives. There is a strong desire from the local sponsor to cost-share in the design and construction of this project.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service and Environmental Protection Agency have raised concerns regarding induced floodplain development resulting from the Federal project that may have cumulative environmental effects on aquatic and terrestrial resources. However, there are no significant concerns to prevent this project from proceeding into the next phase. Development is still regulated by NEPA and the existing permitting process. The National Marine Fisheries Service has raised concerns regarding increased mitigation for the project. The project will mitigate for any direct adverse impacts resulting from construction. The Corps continue coordinate with NMFS, USFWS and EPA to ensure that adequate compensatory mitigation is provided.

*Estimated Implementation Costs: \$680,000,000*

	<i>Cost-sharing</i>
Federal: (65%):	
Corps of Engineers .....	\$442,000,000
Non-Federal Sponsor: (35%)	
Louisiana Department of Transportation and Development .....	238,000,000
LERRDs .....	53,000,000
Work-in-Kind and Cash .....	185,000,000
Total .....	238,000,000

*Description of Non-Federal Implementation Costs:*

*LERRDs:* The Local Sponsor will be responsible for acquiring all necessary lands, easements, rights-of-way, relocations and disposal sites for the project.

*Work-in-Kind:* The Terrebonne Levee and Conservation District has indicated a willingness to design and construct various features of the proposed levee alignment for credit. A complete list of the features proposed is included in the feasibility report. The Corps would coordinate with the Levee District to ensure that the features meet or exceed Federal standards for hurricane protection levees.

*Estimated Annual O&M Costs*

[October 2000 price level]

	<i>Cost-sharing</i>
Federal: Corps of Engineers .....	\$920,000

Non-Federal Sponsor: Monarch-Chesterfield Levee District .....	<i>Cost-sharing</i> 406,000
Total .....	1,326,000

*Description of Federal O&M Cost:* The Gulf Intracoastal Waterway and Houma Navigation Canal are Federally maintained, navigable waterways. The Corps would assume operation of the floodgates along the GIWW and the local to be located in the Houma Navigation Canal as part of its O&M budget.

*Description of Non-Federal O&M Cost:* This cost includes general operation and maintenance of floodgate structures, environmental water control structures and levees including levee inspections, mowing and erosion control.

*Direct Beneficiaries:* This project will directly benefit the residents and businesses of Terrebonne Parish, and help preserve the Louisiana ecosystem.

The Secretary also is directed to credit toward the non-Federal share the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if integral to the project.

### (3) Smith Island, Maryland

*Location of the Study Area:* The project is located in Chesapeake Bay on Smith Island, Somerset County, Maryland, which is 12 miles west of Crisfield, Maryland, 95 miles south of Baltimore. The island straddles the Maryland-Virginia state line, but all of the population and all of the project features are in Maryland. The Non-Federal sponsors are Somerset County and the State of Maryland Departments of the Environment and Natural Resources.

*Problems and Opportunities Identified in Study:* Smith Island is part of a chain of islands that form the border between Chesapeake Bay and Tangier Sound, and is comprised of 97-percent emergent wetlands. The study area is within the largest contiguous submerged aquatic vegetation (SAV) bed in the Bay. Although SAV coverages have been rebounding in the last decade throughout the Bay, the Tangier Sound area has seen continual decreases in coverage. There are many factors that determine whether or not SAV flourishes, some factors are local and some are larger-scale. SAV experts have determined that the likely over-riding factor in the study area is the effect of erosion. As the landmasses that make up Smith Island erode, it allows increased wave and current action into shallow-water areas that were previously protected, quiescent, and suitable for SAV growth. The eroded material also adds turbidity and nutrients to the water column that further inhibit SAV colonization and growth. Additionally, the landmasses themselves are extremely high quality emergent wetlands. These wetlands are even more valuable than most since they are part of a remote island with little human disruption. In its entirety, Smith Island has lost over 3,300 acres of wetlands in the last 150 years, and, in the identified project areas alone, it lost almost 2,400 acres of SAV between 1992 and 1998.

*Alternative Plans Considered:* Investigations during this study involved understanding and quantifying the impact of the ongoing process of erosion on habitat degradation. It was determined that the tremendous loss of SAV around parts of Smith Island could be stopped and, to an extent, reversed by protecting and restoring lost

wetlands in the Martin National Wildlife Refuge. A number of structural means were investigated including stone revetment, groins, non-traditional bulkheads and walls, proprietary erosion control measures, artificial beach nourishment, breakwaters/sills, and geotextile breakwaters. The study team concluded that the most cost-effective and reliable way to accomplish this was to construct offshore, segmented breakwaters to protect or recreate strategic areas along the coastline of the Refuge. In many areas, the breakwaters would be back-filled using borrow material from the Chesapeake Bay bottom west of the Island. This back-fill would create additional wetland habitat and greatly increase the effectiveness of the structures.

Four main areas of analysis were identified in the reconnaissance effort and were carried through the feasibility process, the Western Shoreline, Fog Point Cove, Back Cove and Terrapin Sand Cove. Each of these areas has been seriously degraded over time due to erosion. Of the four, no plan at Terrapin Sand Cove was recommended for implementation due to the exorbitant cost. Plans at the other three areas that form the recommended project are estimated to protect 216 acres of wetlands and 504 acres of SAV over a 50-year life span, while at the same time creating 24 acres of wetlands and 1,440 acres of SAV habitat over the same time. Minimal adverse impacts are anticipated as a result of construction including temporary and localized turbidity and impacts related to offshore borrow sites, if utilized. The project will require 68,000 cubic yards of material for back-fill.

*Recommended Plan.* The selected plan includes construction of segmented offshore breakwaters located from 30 to 100 feet offshore, depending upon water depth and shoreline configuration. The breakwaters would have a top elevation of +3.5 feet Mean Lower Low Water (MLLW). Areas behind the breakwaters would be backfilled and wetlands enhanced through plantings. The following four components are included in the plan.

Project area	Location	Structure	Length	Height	Backfill	Plants
Western shoreline	Off-shore from Swan Island to Fog Point Cove.	Off shore Breakwaters.	9,420 ft	+3.5 MLLW	15,000 CY/ 7.5 acres	Spartina alterniflora.
Fog Point Cove ...	Off-shore, 600 ft. extension from western shore, 1,200 ft. from eastern shore.	Off shore Breakwaters and sill.	1,950 ft	+3.5 MLLW	15,000 CY/ 7.5 acres	Spartina alterniflora.
Back Cove NW Shoreline.	Off-shore, along NW shoreline of Back Cove with extension into cove shore.	Off shore Breakwaters.	5,950 ft	+3.5 MLLW	15,000 CY/ 7.5 acres	Spartina alterniflora.
Back Cove SE Shoreline.	Off-shore, along SE shoreline of Back Cove with extension into cove shore.	Off shore Breakwaters.	1,950 ft	+3.5 MLLW	15,000 CY/ 7.5 acres	Spartina alterniflora.

*Views of States, Non-Federal Interests and Other Counties:* This project is highly supported at the State and local level by Somerset County, the State of Maryland, and the Chesapeake Bay community.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service has provided a letter of support for the project.

*Estimated Implementation Costs:* Baseline costs for the recommended plan in November 2000 dollars are shown below:

Federal Cost .....	\$4,800,000
Non-Federal Cost .....	2,600,000
Total Project Estimated Cost .....	7,400,000

*Description of Non-Federal Implementation Costs:*

The State of Maryland and Somerset County will be responsible to acquire all real estate necessary for project construction, which is estimated at \$2,000.

*Estimated Annual O&M Costs:* Pre-construction monitoring will cost \$7,000, and there will be 5 years of monitoring at a total of 440,000 (estimated).

*Description of Non-Federal O&M Costs:* The state of Maryland Department of Natural Resources will assume responsibility for O&M at an estimated annual cost of \$16,000.

*Preconstruction Planning Costs:* The cost of PED is currently estimated to be \$800,000.

*(4) Chickamauga Lock and Dam, Tennessee*

*Location of Study Area:* Chickamauga Lock and Dam is located on the Tennessee River (river mile 471.0) at Chattanooga, TN (13 miles upstream of the Port of Chattanooga, TN).

*Problems and Opportunities Identified in Study:* The entire Chickamauga project is plagued with "concrete growth" resulting from an alkali-aggregate reaction (AAR). This reaction creates a gel that absorbs moisture, swells, and expands the concrete. When the concrete is restrained, the growth increases internal stresses, which causes cracking and movement of the concrete monoliths. This movement causes equipment misalignment as well as structural instability. The growth is continuing; therefore, non-standard, major maintenance is increasing, raising both expenses and lock outages. In addition to the concrete growth problems, Chickamauga Lock has only one chamber, measuring 60 feet wide and 360 feet long. The lock, completed in 1940, can accommodate four standard barges (26'x175'), which have virtually disappeared from the Tennessee River System. Growth in traffic, barge sizes (jumbo barges 35'x195' are now preferred), and the size and configuration of tows have increased delays and processing times. The small lock at Chickamauga currently passes only one jumbo barge per lockage. With an average processing time of 8 hours per tow, Chickamauga Lock has the highest average locking time in the entire Ohio River System. This represents a significant economic loss to the shipping industry and, ultimately, to the consumer.

*Alternative Plans Considered:* Replacement of the existing lock (60'x360') was determined to be the without-project condition for the Chickamauga Lock feasibility study. Nonstructural plans were evaluated in the without-project condition analysis, but did not resolve the AAR problems associated with the lock. Several alternative improvements plans were then considered to address problems and needs. These alternatives included structural measures involving the construction of new locks (75'x400', 110'x800') and the use of a congestion fee without project condition (new 60'x360')

lock). Helper boats are included as components of the alternative structural plans. After the initial screening process, the study focused on the feasibility of two replacement lock sizes and a replacement-in-kind combined with a congestion fee. A replacement lock would be located riverward of the existing lock and immediately downstream of the dam. The existing lock would continue in use during construction of the new lock, but would be closed upon project completion. The old lock would be plugged with concrete to insure its integrity as a water barrier.

a. The 75'x400' lock will accommodate four jumbo barges (35'x195') in a single lockage. In the Tennessee River system only Melton Hill Lock and Dam on the Clinch River has these dimensions. Helper boat operations would be implemented when justified. In addition, lockage efficiency can be increased with a policy to restrict tows to a 2-wide barge configuration and 1 3-cut limit.

b. The 110'x600' lock will accommodate nine jumbo barges. The size matches most of the main Tennessee River locks. Helper boats operations are not required at Chickamauga with this lock size.

c. The replacement-in-kind (60'x360') would be combined with a congestion fee. Congestion fees call for the management of traffic demand at a lock through the imposition of lockage fees. The fee is designed to influence the shipper with very marginal waterway savings to shift their traffic to an alternative overland mode, thereby reducing the amount of lock congestion and increasing the rate savings of the remaining shippers. The congestion fee alternative includes the use of helper boats at a lock, when justified.

*Description of Authorized Plan:* The plan being authorized provides a replacement lock, 100 feet wide by 600 feet long, at the Chickamauga Project.

The 110'x600' lock was not recommended by the Chief of Engineers as the National Economic Development plan, but has significant non-economic advantages. The 100'x600' lock is superior in reducing lockage-transit time and facilitating safe movement of traffic. The shorter processing time associated with the 110'x600' lock also relates to improve efficiency for the towing industry and reduces transportation cost. The 110'x600' lock provides an additional \$0.7 million per year in transportation cost savings. The difference in initial construction costs between the recommended plan consisting of a 75'x400' lock and the plan being authorized consisting of a 110'x600' lock is \$26 million, only a 10.7 percent increase in costs. The 110'x600' lock is economically justified, with annual net benefits of \$2.9 million and a benefit/cost ratio of 2.1. The 110'x600' lock is compatible with all the downstream Tennessee River main chamber locks (with the exception of the 1,000 foot chamber at Pickwick Landing). The 110'x600' lock size is also compatible with lock chambers on the Ohio River to Pittsburgh, PA and on the Upper Mississippi River. In the long term, the 110'x600' is considered to provide greater environmental benefits, and is the environmentally preferred plan. The 110'x600' lock will provide the greatest benefits to water and air quality, noise, and aquatic resources, as well as to socioeconomic factors such as shipper costs, river traffic, infrastructure, and intermodal shifts.

*Physical Data on Project Features:* In general, the plan being authorized includes the following major features (the details of which may change during preconstruction engineering and design):

a. To provide a downstream water barrier during construction, a sheet pile cofferdam connecting the dam and existing lock will be constructed. A temporary bascule-type drawbridge will be constructed across the lower approach to the existing lock to provide access to the new lock construction site within the cofferdam. After the cofferdam is removed, the bascule bridge would be relocated to provide a permanent access bridge to the new lock.

b. Upstream and downstream lock approach walls will be built on the spillway side, with the downstream approach wall extending under the Norfolk Southern Railway Bridge. Approximately 3,200 feet of the navigation channel will be excavated immediately downstream of the existing lock. Two new 30 foot diameter mooring cells will be built downstream of the new lock.

c. The State Road (SR) 153 bridge across the lock will remain open during construction, and Lake Resort Drive would be relocated. As part of the relocation of Lake Resort Drive, two new bridges will be built, one over North Chickamauga Creek and one for grade separation between Lake Resort Drive and the permanent access road to the North Chickamauga Creek Greenway. Improvements will be made to the intersection of Access Road and Lake Resort Drive.

d. The existing lock operation building will be demolished. The new lock operation building will be a three-level structure with the top level serving as the operation center, the middle level as a visitor area and assembly room, and the lowest level as an electrical equipment and transformation room. The new lock operation building will be located on the land wall of the new lock.

e. Primary vehicle access to the facility will be across the existing bridge over North Chickamauga Creek. The existing visitor parking lot adjacent to the earthen dam will be used as part of the construction laydown area. The existing visitor overlook will be removed and replaced by a new overlook adjacent to the existing lock's lower miter gates.

f. A new 80-car parking area will be constructed on earth fill adjacent to the overlook. The fill will bring the parking facility up in elevation to allow better access for the physically disabled and will facilitate better access to the area. The parking lot will be curbed and sidewalks will be provided.

g. A two-lane road will connect the Hixso Greenway area to the lock access road. It will pass under relocated Lake Resort Drive using the same bridge provided for construction access to the spoil disposal area. This arrangement will separate the through traffic from the site. It will allow for temporary closure during construction of the existing bridge over North Chickamauga Creek to the public.

h. Once the new lock is constructed, a portion of the existing lock chamber and the associated wall culverts will be plugged with concrete. The upper and lower miter gates will be removed. Walls will be strengthened by post-tensioning, and wider slots will be cut in the approach walls to prevent problems from continued concrete growth. Miscellaneous equipment and buildings will be removed.

i. Environmental Considerations. Terrestrial areas distributed by construction activities will be replanted or reforested by minimize long-term losses. Mussels will be collected and relocated to unaffected areas. Eleven acres of aquatic habitat will be created. The

new filling and emptying system will be designed to facilitate the migration of certain fish species through the lock. No compensatory mitigation will be necessary.

*Views of States, Non-Federal Interests and Other Counties:* The 35 letters received from industry and local government representatives in response to the draft report express strong support for a 110'x600' lock. Many feel that the larger lock has advantages that are not captured in the economic analyses. They note that the efficiencies in processing tows through the larger lock and the growth potential it would provide would more than justify the additional initial \$26 million investment.

The Tennessee River Valley Association and The Tennessee-Tombigbee Waterway Development Authority represent regional waterway interests. They point to the 110'x600' lock as the "standard" size for the Tennessee River. Also mentioned are the reduced costs to shippers, greater lock capacity, improved environmental benefits, and marginal additional cost.

The Governor of Tennessee, noted in his letter of January 20, 2002, "The State supports the 110'x600' lock as the more prudent choice because it provides more capability at only a slightly higher cost, results in a lock which is compatible with navigation usage in the Tennessee and Ohio River systems and provides the greatest flexibility in the future development and maintenance of the economy of the Upper Tennessee River Basin."

The Governor of Tennessee and his staff, reiterate in their letter of April 8, 2002 in response to the final report, "the State of Tennessee has consistently urged the Corps replace the existing lock with a 100'x600' lock." They maintain "the additional cost will be a prudent investment that will alleviate the need to build a larger lock to accommodate traffic in the future."

*Views of Federal and Regional Agencies:* The U.S. Department of the Interior, Fish and Wildlife Service (USFWS), Cookeville, Tennessee, state in their Coordination Act Report, dated February 11, 2002 that:

"The preferred alternative [their preferred alternative is the 110'x600' lock], with protective measures incorporated, should avoid or minimize significant adverse impacts to fish and wildlife resources in the Chickamauga Dam tailwater and downstream areas. Additionally, protective measures will avoid adverse impacts to terrestrial resources in areas adjacent to the construction site that will be used as disposal and equipment staging areas. We would support implementation of the preferred alternative provided that the protective measures are implemented and strictly enforced."

Letters of coordination were also received from the U.S. Department of the Interior and the U.S. Coast Guard in response to the final report.

#### *Estimated Implementation Cost*

[October 2001 price levels]

Federal (Corps of Engineers) .....	\$133,583,500
Non-Federal (Inland Waterways Trust Fund) .....	133,583,500
Total .....	267,167,000

*Description of Non-Federal Implementation Costs:* In accordance with the cost sharing and financial concepts reflected in the Water

Resources Development Act of 1986, fifty percent of the total cost of construction will be derived from the Inland Waterways Trust Fund.

*Estimated Annual O&M Costs*

[October 2001 price levels]

Federal (Corps of Engineers) .....	\$4,153,000
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*Description of Federal O&M Cost:* The Federal O&M costs encompass the normal annual expenses for operation and routine maintenance of the replacement lock. The total annual O&M cost is \$4.1 million. This represents a savings of \$0.9 million over the without project condition (60'x360' lock). These costs include cyclical maintenance, i.e. repair and replacement of lock equipment, but not major rehabilitation or major component replacement.

*Direct Beneficiaries:* The Chickamauga Lock Improvement Project will reduce commercial navigation processing times and associated costs by the installation of a larger lock chamber. Project beneficiaries include the marine towing industry (reduced operating costs) and the industries and consumers of the commodities transported (reduced delivery costs). The major industries benefiting from the project include asphalt, aggregates, coal, grains, chemicals, ores and minerals, iron and steel, forest products, and construction.

*Section 102. Small projects for flood damage reduction*

Directs the Secretary to study and carry out projects for flood damage reduction under the authority of section 205 of the Flood Control Act of 1948. Authorizes projects at: (1) Cache River Basin, Grubbs, Arkansas; (2) Santa Ana River Basin and Orange County Streams, California; (3) Nashua River, Fitchburg, Massachusetts; (4) Saginaw River, Hamilton Dam, Flint, Michigan; (5) South Branch of the Wild Rice River, Borup, Minnesota; (6) Blacksnake Creek, St. Joseph, Missouri; (7) James River, Greene County, Missouri; (8) McKeel Brook, New Jersey; (9) East River, Silver Beach, New York City, New York; (10) Little Mill Creek, Southampton, Pennsylvania; (11) Little Neshaminy Creek, Warrenton, Pennsylvania; and (12) Surfside Beach, South Carolina.

*Section 103. Small projects for emergency streambank protection*

Directs the Secretary to study and carry out a project for streambank erosion control, under section 14 of the Flood Control Act of 1946 for the Middle Fork Grand River, Gentry County, Missouri.

*Section 104. Small projects for navigation*

Directs the Secretary to study and carry out projects for navigation, under the authority of section 107 of the River and Harbor Act of 1960. Authorizes projects at: (1) Blytheville County Harbor, Arkansas; (2) Evanston, Illinois; (3) Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York; and (4) Woodlawn Marina, Lackawanna, New York.



*Section 105. Small projects for improvement of the quality of the environment*

Directs the Secretary to study and carry out a project for improvement of the environment under the authority of section 1135 of the Water Resources Development Act of 1986 for Smithville Lake, Missouri.

*Section 106. Small projects for aquatic ecosystem restoration*

Directs the Secretary to study and carry out projects for aquatic ecosystem restoration under the authority of section 206 of the Water Resources Development Act of 1996. Authorizes projects at: (a) Colorado River, Yuma, Arizona; (2) Chino Valley, California; (3) Stockton deep Water Ship Cannel and Lower San Joaquin River, California; (4) Sweetwater Reservoir, San Diego County, California; (5) Biscayne Bay, Florida; (6) Chattahoochee River, Columbus, Georgia and Phenix City, Alabama; (7) Chattahoochee River and Ocmulgee River Basins, Georgia; and (8) Snake River, Jerome, Idaho.

*Section 107. Small projects for shoreline protection*

Directs the Secretary to study and carry out a project under section 3 of the Act entitled “An Act authorizing the Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946, at Nelson Lagoon, Alaska.

TITLE II—GENERAL PROVISIONS

*Section 201. Annual passes for recreation*

Amends section 208(c)(4) of the Water Resources Development act of 1996 to extend the authority for alternative annual passes to December 31, 2004.

*Section 202. Non-Federal contributions*

Amends section 103 of the Water Resources Development Act of 1986 by placing a prohibition on the solicitation of excess contributions from the non-Federal sponsor for water resources development projects. This provision does not affect the ability of non-Federal interest to make additional contributions in order to implement a project as provided in section 903(c) of the Water Resources Development Act of 1986.

*Section 203. Harbor cost sharing*

Amends sections 101 and 214 of the Water Resources Development Act of 1986 by striking “45 feet” each place it appears and inserting “53 feet.” Under this amendment, a 35% non-Federal cost-share shall apply to deep draft navigation projects of up to 53 feet in depth. This change only applies to projects, or separable elements of projects, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

*Section 204. Funding to process permits*

Amends section 214 of the Water Resources Development Act of 2000 to extend the period of funding to process permits to 2005 and the clarify the original intent that the acceptance and expenditure

of funds under this section shall not affect the order in which permits are considered or approved by the Secretary.

*Section 205. National Shoreline Erosion Control Development and Demonstration Program*

Amends sections 5(a) and 5(b)(1)(A) of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, to extend the program to 10 years and to continue the planning, design, and construction phase to 6 years, provide for cost-sharing, allow removal of some projects, and to increase the authorization level from \$21,000,000 to \$31,000,000.

*Section 206. Written agreement for water resources projects*

Amends section 221(a) of the Flood Control Act of 1970 to allow project cooperation agreements to include a provision for liquidated damages. Amends section 912(b) of the Water Resources Development Act of 1986 to eliminate civil penalties in project cooperation agreements and allow the use of liquidated damages instead.

*Section 207. Assistance for remediation, restoration, and reuse*

Authorizes the Secretary to provide assessment, planning, and design assistance to State and local governments for remediation, environmental restoration, and reuse of areas that will contribute to improvement in water quality or to conservation of water and related resources. The non-Federal share is 50%. Authorizes \$30,000,000 a year for fiscal years 2003–2007. Under the authority provided by this section, the Secretary may help the City of Norwich carry out an environmental assessment of the Seders Property at Norwich Harbor, Connecticut.

*Section 208. Compilation of laws*

Directs the Secretary to produce a compilation of water resources development laws enacted after November 8, 1966, and before January 1, 2003.

*Section 209. Dredged material disposal*

Amends section 217 of the Water Resources Development Act of 1996 to ensure that the Secretary has the authority to address dredged material disposal on a regional, as well as project-by-project basis, and may combine funding from separate projects to do so.

*Section 210. Wetlands mitigation*

Requires the Secretary, to the maximum extent practicable and where appropriate, to give preference for use of wetlands mitigation banks that meet certain criteria, when carrying out wetlands mitigation for a water resources project.

*Section 211. Remote and subsistence harbors*

Allows the Secretary to recommend a project for harbor and navigation improvements without the need to demonstrate that the project is justified solely by national economic development benefits if (1) the community served by the project is at least 70 miles from the nearest surface accessible commercial port with no direct rail

or highway link to another serviceable community or located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, or American Samoa; (2) the harbor is economically critical such that over 80 percent of the goods transported would be consumed within the community served by the harbor and navigation improvement; and (3) the long term viability of the community is dependent on the harbor, including access to resources and facilities design to protect public health and safety.

*Section 212. Beneficial uses of dredged material*

Amends section 204 of the Water Resources Development Act of 1992 to allow cost-sharing of the use of dredged material at any water resources project (not just aquatic ecosystem restoration projects), to allow nonprofit entities to serve as the non-Federal interest for a project under specified conditions, to increase the authorization of appropriations of \$30,000,000 annually, and to allow the Secretary to develop regional sediment management plans at full Federal expense. Directs the Secretary to give priority to a beneficial use project in the vicinity of Morehead City, North Carolina.

*Section 213. Cost sharing provisions for certain areas*

Amends section 1156 of the Water Resources Development Act of 1986 to raise the exemption from cost-sharing from \$250,000 to \$500,000 for the costs of studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, United States Virgin Islands and on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaskan Native Claims Settlement Act.

*Section 214. Revision of project cooperation agreement*

Directs the Secretary to revise the cooperation agreement for a project to take into account the change in Federal participation in the project, when Congress increases the authorization ceiling for a project.

*Section 215. Cost sharing*

Provides that in any case in which Congress increases the maximum amount of Federal funds that may be allocated for a project or increases the total cost of a project, such increase shall not affect any cost-sharing requirement applicable to the project.

*Section 216. Credit for work performed before cooperation agreement*

Requires the Secretary to enter into an agreement with a non-Federal sponsor for the performance of work eligible for credit against the non-Federal sponsor's costs.

*Section 217. Recreation user fee revenues*

Amends section 225 of the Water Resources Development Act of 1999 to make permanent the provision of law that allows the Secretary to retain recreation user fee revenues for use at Corps recreation facilities.

*Section 218. Expedited actions for emergency flood damage reduction*

Directs the Secretary to expedite planning, design, and construction of a project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage sufficient to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

*Section 219. Watershed and river basin assessments*

Amends section 729(f)(1) of the Water Resources Development Act of 1986 to provide a 75% Federal share for watershed and river basin assessments carried out under that section. To encourage states and local governments to engage in regional planning, the Committee has reduced the non-Federal cost share 20 25% for basin-wide water assessments prepared by the Corps of Engineers in cooperation with state and local agencies.

*Section 220. Tribal Partnership Program*

Amends section 203 of the Water Resources Development Act of 2000 to enable Oklahoma tribes to participate in the Tribal Partnership Program.

*Section 221. Treatment of certain separable elements*

Authorizes the Secretary, during construction of a project, to identify opportunities to achieve benefits relating to a primary mission of the Corps as a separable project element, and carry out that separable element at full Federal expense, up to the lesser of \$1 million or 3% of project costs, if that element would be carried out more cost-effectively in conjunction with the ongoing project.

TITLE III—PROJECT-RELATED PROVISIONS

*Section 301. Cook Inlet, Anchorage Harbor, Alaska*

Modifies the project for navigation, Cook Inlet, Anchorage Harbor, Alaska, to authorize the Secretary to deepen the harbor at a total cost of \$14,500,000.

*Section 302. Galena, Alaska*

Modifies the project for emergency bank stabilization, Galena, Alaska, to direct the Secretary to construct the project at a total cost of \$6,000,000.

*Section 303. King Cove Harbor, Alaska*

Provides that the maximum Federal expenditure for the King Cove Harbor navigation project shall be \$8,000,000.

*Section 304. St. Paul Harbor, Alaska*

Modifies the project for navigation, St. Paul Harbor, Alaska, to direct the Secretary to construct the project at a total cost of \$65,000,000 with the non-Federal share not to exceed \$14,400,000.

*Section 305. Sitka, Alaska*

Modifies the Thompson Harbor, Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, to di-

rect the Secretary to correct design deficiencies, at a total Federal cost of \$6,300,000.

*Section 306. Tatilek, Alaska*

Provides that the maximum Federal expenditure for the Tatilek navigation project shall be \$10,000,000.

*Section 307. American and Sacramento Rivers, California*

Modifies the project for flood damage reduction, American and Sacramento Rivers, California, to increase the authorization to \$205,000,000.

*Section 308. Cache Creek Basin, California*

Modifies the project for flood damage reduction, Cache Creek Basin, California, to direct the Secretary to mitigate the impacts of the new south levee of the settling basin on the city of Woodland's storm drainage system and to restore the city's pre-project capacity to release water to the Yolo Bypass, when the Bypass is in a low flow condition.

*Section 309. Grayson Creek/Murderer's Creek, California*

Modifies the project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest before the project cooperation agreement is signed, if an integral part of the project. Also allows the Secretary to consider national ecosystem restoration benefits when determining whether the project is justified.

*Section 310. John F. Baldwin Ship Channel and Stockton Ship Channel, California*

Modifies the project for navigation, John F. Baldwin Ship Channel and Stockton Ship Channel, California, to allow the non-Federal share of the cost of the project to be provided in the form of in-kind services and to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest, if an integral part of the project.

*Section 311. Los Angeles Harbor, Los Angeles, California*

Modifies the project for navigation, Los Angeles Harbor, Los Angeles, California, to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest, if an integral part of the project.

*Section 312. Larkspur Ferry Channel, Larkspur, California*

Modifies the project for navigation, Larkspur Ferry Channel, California, to direct the Secretary to prepare a reevaluation report to determine whether or not maintenance of the project is justified, and carry out such maintenance, if justified.

*Section 313. Napa River Salt marsh Restoration, Napa River, California*

Modifies the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, to direct the Secretary to provide credit for the cost of worked per-

formed by the non-Federal interest, if an integral part of the project.

*Section 314. Pacific Flyway Center, Sacramento, California*

Modifies the project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, to authorize the Secretary to expend \$1,000,000 to enhance public access to the project.

*Section 315. Pinole Creek, California*

Modifies the project for improvement of the quality of the environment, Pinole Creek Phase I, California, to direct the Secretary to provide credit for work performed by the non-Federal interests, if an integral part of the project.

*Section 316. Prado Dam, California*

Ensures that the agreement between the Corps of Engineers and the Orange County Water District, which requires the District to pay specific costs associated with operating and maintaining Prado Dam for seasonal water conservation, shall remain in effect after reconfiguration of the Dam for volumes of water up to the maximum amount provided for water conservation prior to the reconfiguration of the Dam.

*Section 317. Sacramento Deep Water Ship Channel, California*

Modifies the project for navigation, Sacramento Deep Water Ship Channel, California, to direct the Secretary to provide credit for work performed by the non-Federal interests before the project co-operation agreement, if an integral part of the project.

*Section 318. Sacramento River, Glenn-Colusa, California*

Modifies the project for flood damage reduction, Sacramento River, Glenn-Colusa, California, to direct the Secretary to provide the non-Federal interest a credit of up to \$4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest, if integral to the project.

*Section 319. San Lorenzo River, California*

Modifies the project for flood damage reduction, San Lorenzo River, California, to direct the Secretary to provide the non-Federal interest a credit not more than \$2,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest if an integral part of the project.

*Section 320. Terminus Dam, Kaweah River, California*

Modifies the project for flood damage reduction and water supply, Terminus Dam, Kaweah River, California, to direct the Secretary to construct the project at a total cost of \$50,000,000.

*Section 321. Upper Guadalupe River, California*

Modifies the project for flood damage reduction and recreation, Upper Guadalupe River, California, to ensure that the project is carried out as authorized by Congress.

*Section 322. Walnut Creek Channel, California*

Modifies the project for aquatic ecosystem restoration, Walnut Creek Channel, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest.

*Section 323. Wildcat/San Pablo Creek Phase I, California*

Modifies the project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 324. Wildcat/San Pablo Creek Phase II, California*

Modifies the project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project, and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest.

*Section 325. Brevard, County, Florida*

Amends section 310 of the Water Resources Act of 1999, authorizing mitigation of damage to a project for shore protection, to authorize credit for costs incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in a final report of a study of such damages.

*Section 326. Gasparilla and Estero Islands, Florida*

Amends the project for shore protection, Gasparilla and Estero Islands, Florida, to authorize credit for the cost of work performed by the non-Federal interest that is integral to the project.

*Section 327. Lido Key Beach, Sarasota, Florida*

Amends the project for shore protection, Lido Key Beach, Sarasota, Florida, to increase the authorization to \$12,926,000.

*Section 328. Manatee Harbor, Florida*

Amends the project for navigation, Manatee Harbor, Florida, to authorize extension of the south channel at a total cost of \$9,800,000, and to authorize in-kind and other credit for costs incurred by the non-Federal interest for work that is integral to the project.

*Section 329. Rose Bay, Volusia County, Florida*

Amends the project for aquatic ecosystem restoration, Rose Bay, Volusia County, Florida, to provide credit for costs incurred by the Florida Department of Transportation, if required for the proper functioning of the project.

*Section 330. Tampa Harbor, Florida*

Modifies the project for navigation, Tampa Harbor, Florida, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 331. Tampa Harbor-Big Bend Channel, Florida*

Modifies the project for navigation, Tampa Harbor-Big Bend Channel, Florida, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 332. Little Wood River, Gooding, Idaho*

Modifies the project for flood damage reduction, Little Wood River, Gooding, Idaho, to authorize in-kind contributions, use of funds from other Federal programs to be used toward the non-Federal share if a permissible use of the funds under the other program, and to direct the secretary to make a determination of the non-Federal interest's ability to pay the non-Federal costs.

*Section 333. Indiana Harbor, Indiana*

Modifies the project for environmental dredging, Indiana Harbor, Indiana, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 334. Little Calumet River, Indiana*

Modifies the project for flood damage reduction, Little Calumet River, Indiana, to authorize the Secretary to complete the project in accordance with the post authorization change report dated August 2000, at a total cost of \$186,300,000.

*Section 335. Little Calumet River Basin (Cady Marsh Ditch), Indiana*

Modifies the project for flood damage reduction, Little Calumet River Basin (Cady Marsh Ditch), Indiana, to increase the project authorization to \$23,146,000.

*Section 336. Long Lake, Indiana*

Modifies the project for ecosystem restoration, Long Lake, Indiana, to direct the Secretary to carry out components of the project located on Federal land at full Federal expense and to direct the Secretary to seek reimbursement from the Secretary of the Interior the amount equal to the cost of the project allocated to benefit the Indian Dunes National Lakeshore.

*Section 337. White River, Indiana*

Modifies the project for flood damage reduction, Indianapolis, Fall Creek Section, on West Fork of White River, Indiana, to authorize the Secretary to carry out the Fall Creek Reach feature, at a total cost of \$28,545,000.

*Section 338. Wolf Lake, Indiana*

Modifies the project for aquatic ecosystem restoration, Wolf Lake, Indiana, to direct the Secretary to provide credit for the cost of



work performed by the non-Federal interest, if an integral part of the project.

*Section 339. Harlan County, Kentucky*

Directs the Secretary to take measures to provide 100-year level of flood protection at the project for flood damage reduction, Harlan County, Kentucky.

*Section 340. Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed*

Modifies the project for flood damage reduction and recreation, Amite River and Tributaries, East Baton Rouge Parrish, Louisiana, to provide that cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986, as in effect on October 11, 1996.

*Section 341. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana*

Modifies the project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, to authorize the purchase and reforestation of lands that have been cleared or converted to agricultural uses.

*Section 342. Mississippi Delta Region, Louisiana*

Modifies the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, to direct the Secretary to provide credit for costs incurred in relocating oyster beds in the Davis Pond project area, if integral to the project.

*Section 343. West Bank of the Mississippi River (East of Harvey Canal), Louisiana*

Makes technical corrections to the WRDA 1999 modification of the project to prevent flood damage-hurricane damage reduction, West Bank of the Mississippi River (East of Harvey Canal), Louisiana.

*Section 344. Union River, Maine*

Modifies the project for navigation, Union River, Maine, by deauthorizing a portion of the navigation channel to allow it to be used for anchorage.

*Section 345. Cass River, Spaulding Township, Michigan*

Modifies the project for flood damage reduction, Cass River, Spaulding Township, Michigan, to incorporate flood damage reduction works constructed by the non-Federal interests and to direct the Secretary to provide credit toward the non-Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 346. Detroit River Shoreline, Detroit, Michigan*

Modifies the project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, to include measures to enhance public access and increase the Federal amount to \$3,000,000.

*Section 347. Water Resources Institute, Muskegon, Michigan*

Modifies the project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, to provide for completion in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center and directs the Secretary to provide credit towards the non-Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 348. Saginaw River, Bay City, Michigan*

Modifies the project for emergency streambank protection, Saginaw River, Bay City, Michigan, to increase the maximum Federal expenditure to \$2,000,000.

*Section 349. Ada, Minnesota*

Modifies the project for flood damage reduction, Wild Rice River, Minnesota, to authorize the Secretary to consider national ecosystem restoration benefits, to exclude consideration of an emergency levee as a pre-project condition and to allow the local sponsor to contribute a larger non-Federal share, if necessary to implement the project.

*Section 350. Duluth Harbor, McQuade Road, Minnesota*

Modifies the project for navigation, Duluth Harbor, McQuade Road, Minnesota, to authorize the Secretary to provide access and recreational facilities as described in the Detailed Project Report and Environmental Assessment dated August 1999, at a maximum Federal cost of \$5,000,000.

*Section 351. Granite Falls, Minnesota*

Modifies the project for flood damage reduction, Granite Falls, Minnesota, to increase the maximum Federal expenditure to \$12,000,000.

*Section 352. Red Lake River, Minnesota*

Modifies the project for flood damage reduction, Red Lake River, Minnesota, to increase the project authorization to \$25,000,000.

*Section 353. Silver Bay, Minnesota*

Modifies the project for navigation, Silver Bay, Minnesota, to include operation and maintenance of the general navigation facilities as a Federal responsibility.

*Section 354. Taconite Harbor, Minnesota*

Modifies the project for navigation, Taconite Harbor, Minnesota, to include operation and maintenance of the general navigation facilities as a Federal responsibility.

*Section 355. Two Harbors, Minnesota*

Modifies the project for navigation, Two Harbors, Minnesota, to include construction of a dredged material disposal facility at a Federal cost not to exceed \$5,000,000.

*Section 356. Bois Brule Drainage and Levee District, Missouri*

Modifies the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, to increase the maximum Federal expenditure to \$25,000,000.

*Section 357. Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas*

Modifies the project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, to direct the Secretary to provide credit toward the non-Federal share of the cost of the project for work that is integral to the project.

*Section 358. Orchard Beach, Bronx, New York*

Modifies the project for shoreline protection, Orchard Beach, Bronx, New York, to increase the project authorization to \$18,000,000.

*Section 359. Times Beach, Buffalo, New York*

Modifies the project for improvement of the quality of the environment, Times Beach, Buffalo, New York, to direct the Secretary to credit not more than \$750,000 toward the non-Federal share of the cost of the project for the cost of work by the non-Federal interest, if integral to the project.

*Section 360. Port of New York and New Jersey, New York and New Jersey*

Modifies the project for navigation, Port of New York and New Jersey, New York and New Jersey, to prohibit the Secretary from including in the project cooperation agreement a requirement that the non-Federal sponsor make certain facilities operational prior to deepening of the channel.

*Section 361. New York State Canal System*

Modifies section 553 of WRDA 1996 to change the definition of the New York State Canal System.

*Section 362. Ashtabula River, Ohio*

Modifies the project for environmental dredging, Ashtabula River, Ohio, to direct the Secretary to provide credit toward the non-Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 363. Willamette River Temperature Control, McKenzie Subbasin, Oregon*

Modifies the project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, to direct the Secretary to compensate small businesses for losses attributable to unanticipated sedimentation resulting from project implementation.

*Section 364. Lackawanna River at Olyphant, Pennsylvania*

Modifies the project for flood damage reduction, Lackawanna River at Olyphant, Pennsylvania, to increase the project authorization to \$20,000,000.

*Section 365. Lackawanna River at Scranton, Pennsylvania*

Modifies the project for flood damage reduction, Lackawanna River at Scranton, Pennsylvania, to increase the project authorization to \$23,000,000.

*Section 366. Raystown Lake, Pennsylvania*

Authorizes the Secretary to take such action as may be necessary to prevent shoreline erosion to protect recreational facilities located south of Pennsylvania Route 994 on the east shore of Raystown Lake.

*Section 367. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania*

Modifies the project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, to direct the Secretary to credit \$400,000 for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 368. Solomon's Creek, Wilkes-Barre, Pennsylvania*

Modifies the project for flood damage reduction, Wyoming Valley, Pennsylvania, to include the project for flood damage reduction, Solomon's Creek, Wilkes-Barre, Pennsylvania.

*Section 369. South Central Pennsylvania*

Modifies the geographic scope of section 313 of the Water Resources Development Act of 1992.

*Section 370. Wyoming Valley, Pennsylvania*

Modifies the project for flood damage reduction, Wyoming Valley, Pennsylvania, to direct the Secretary to coordinate with non-Federal interests to review options for increased public access.

*Section 371. Little Limestone Creek, Jonesborough, Tennessee*

Modifies the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, to direct the Secretary to allow the non-Federal interest to participate in the financing of evaluating and implementing the project for flood damage reduction in accordance with section 903(c) of the Water Resources Development Act of 1986, if necessary to implement the project.

*Section 372. Bowie County Levee, Texas*

Modifies the project for flood damage reduction, Red River Below Denison Dam, Texas and Oklahoma, to direct the Secretary to implement the Bowie County Levee feature of the project in accordance with a specific plan.

*Section 373. Lower Rio Grande Basin, Texas*

Modifies the project for flood damage reduction, Lower Rio Grande Basin, Texas, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project and, in calculating the non-Federal share, to make a determination on the non-Federal interest's ability to pay.

*Section 374. North Padre Island, Corpus Christi Bay, Texas*

Modifies the project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, to include recreation as a project purpose.

*Section 375. San Antonio Channel, San Antonio, Texas*

Modifies the project for flood damage reduction, San Antonio Channel, San Antonio, Texas, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 376. Elizabeth River, Chesapeake, Virginia*

Amends section 358 of the Water Resources Development Act of 1999 to change the date of termination of a cooperation agreement for a navigation project.

*Section 377. Great Bridge, Chesapeake, Virginia*

Amends the project for navigation, Great Bridge, Chesapeake, Virginia, to increase the authorization to \$48,000,000.

*Section 378. Roanoke River Upper Basin, Virginia*

Modifies the project for flood damage reduction, Roanoke River Upper Basin, Virginia, to increase the project authorization to \$64,300,000.

*Section 379. Blair and Sitcum Waterways, Tacoma Harbor, Washington*

Modifies the project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, to direct the Secretary to review the locally prepared plan and determine whether the plan meets the evaluation and design standards of the Corps of Engineers, and to authorize the Secretary to carry out the plan, if properly designed and feasible, at a Federal cost not to exceed \$4,240,000. Also directs the Secretary to credit the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 380. Greenbrier River Basin, West Virginia*

Amends section 579(c) of the Water Resources Development Act of 1996 to increase the authorization for a flood protection program for the Greenbrier River Basin, West Virginia, to \$89,000,000.

*Section 381. Manitowoc Harbor, Wisconsin*

Modifies the project for navigation, Manitowoc Harbor, Wisconsin, to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of \$300,000.

*Section 382. Continuation of project authorizations*

Continues the authorization for an additional 7 years the following projects: (1) the project for navigation, Fall River Harbor, Massachusetts and (2) the project for flood damage reduction, Agana River, Guam.

*Section 383. Project reauthorizations*

Renews the authorization for the portion of the project for navigation in the south part of the outer harbor, Manitowoc Harbor, Wisconsin, that was deauthorized by section 101 of the River and Harbor Act of 1962.

*Section 384. Project deauthorizations*

Deauthorizes a portion of each of the following projects for navigation: Bridgeport Harbor, Connecticut, Island End River, Massachusetts, and City Waterway, Tacoma, Washington.

*Section 385. Land conveyances*

Authorizes the conveyance of Federal property at: (a) Milford Kansas, (b) Hickory Point, Lake Eufaula, Oklahoma; and (c) Boardman, Oregon.

*Section 386. Extinguishment of reversionary interests and use restrictions*

Extinguishes reversionary interests and use restrictions in deeds conveying two properties in Nez Perce County, Idaho.

## TITLE IV—STUDIES

*Section 401. Great Lakes Navigation System*

Amends section 456 of the Water Resources Development Act of 1999 to authorize the Secretary to accept the financial participation of the Government of Canada in the study of Great Lakes Navigation authorized in that section.

*Section 402. John Glenn Great Lakes Basin Program*

Amends section 455 of the Water Resources Development Act of 1999 to authorize payment of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

*Section 403. St. George Harbor, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

*Section 404. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin*

Directs the Secretary to transmit to Congress no later than July 1, 2004, a report on the results of the Upper Mississippi River and Illinois Waterways Restructured System Navigation Feasibility Study. The Committee believes that this project is vitally important to the economies of farming communities in the Midwest. Accordingly, the Committee encourages the Secretary to expedite completion of this study. In keeping with existing authorization, the Committee urges the Secretary to proceed with modernized lock and other navigation improvements while simultaneously evaluating an enhanced environmental restoration program for the basin. The Committee appreciates the collaborative effort made to complete the Interim Report and endorses this approach among federal agencies, state agencies and private stakeholder groups as a means of forging a basin-wide approach to managing this resource for multiple uses.

*Section 405. Hamilton, California*

Directs the Secretary to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and modifies the study to include an area 2 miles north and 4 miles south of State Highway 32.

*Section 406. Oceanside, California*

Amends section 414 of the Water Resources Development Act of 2000 to provide the Secretary with an additional 12 months to complete a study of plans to mitigate damages to beaches resulting from military measures.

*Section 407. Sacramento River, California*

Directs the Secretary to conduct a study to determine the feasibility of and alternatives for measures to protect water diversion facilities and fish protective screen facilities on the Sacramento River, California.

*Section 408. San Francisco Bay, Sacramento-San Joaquin Delta, California*

Directs the Secretary to conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including a review of using Sherman Island as a re-handling site.

*Section 409. Tybee Island, Georgia*

Directs the Secretary to conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as part of the project for beach erosion control, Tybee Island, Georgia.

*Section 410. Calumet Harbor, Illinois*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

*Section 411. Paducah, Kentucky*

Authorizes the Secretary to complete the rehabilitation evaluation report the project for flood damage reduction, Paducah, Kentucky, and to proceed to preconstruction engineering and design, if feasible.

*Section 412. West Feliciana Parish, Louisiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish.

*Section 413. City of Mackinac Island, Michigan*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

*Section 414. Chicago, Illinois*

Amends section 425(a) of the Water Resources Development Act of 2000 to clarify that some of the specified shoreline protection study sites are on Lake Michigan.

*Section 415. Mississippi River, Missouri and Illinois*

Directs the Secretary to conduct a study to determine the feasibility of modifying the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, for navigation and environmental restoration enhancements.

*Section 416. Arthur Kill Channel and Morses Creek to Perth Amboy, New Jersey*

Directs the Secretary to reevaluate the results of the study for the project for navigation, Arthur Kill Channel and Morses Creek to Perth Amboy, New Jersey, to determine whether the benefits of the project have increased as a result of a change in circumstances.

*Section 417. Pueblo of Zuni, New Mexico*

Directs the Corps to conduct a feasibility study of water resources projects for the Pueblo of Zuni, Mexico, authorized under the authority of section 203 of the Water Resources Development Act of 2000.

*Section 418. Hudson-Raritan Estuary, New York and New Jersey*

Directs the Secretary, in carrying out a study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, to establish and utilize the watershed restoration teams composed of certain estuary restoration experts.

*Section 419. Lake Carl Blackwell, Stillwater, Oklahoma*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration at Lake Carl Blackwell, Stillwater, Oklahoma.

*Section 420. Sac and Fox Nation, Oklahoma*

Directs the Secretary to develop a water and related land resource conservation and management plan for the Sac and Fox Nation, authorized under the authority of section 203 of the Water Resources Development Act of 2000.

*Section 421. Sutherlin, Oregon*

Directs the Secretary to conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using structural and bioengineering techniques.

*Section 422. Ecosystem restoration and fish passage improvements, Oregon*

Directs the Secretary to conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers in Oregon, and authorizes up to \$5,000,000 for pilot projects.



*Section 423. Northeastern Pennsylvania aquatic ecosystem restoration and protection*

Directs the secretary to conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, relating to abandoned mine drainage abatement and reestablishment of stream and river channels.

*Section 424. Brownsville Ship Channel, Texas*

Directs the Secretary to examine the feasibility of using the Bahia Grande for project mitigation in carrying out the feasibility study of the project for navigation, Brownsville Ship Channel, Texas. Also authorizes credit for wetlands restoration work performed by the non-Federal sponsor at Bahia Grande, if integral to the project.

*Section 425. Sabine Pass to Galveston Bay, Texas*

Authorizes the secretary, in conducting the study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, to include any benefits related to the use of State Highway 87 as an emergency evacuation route.

*Section 426. Chehalis River Basin, Washington*

Directs the Secretary to conduct a study for the Chehalis River basin, including a study of the use of the basin's water resources, to assist users in developing a fair and equitable distribution of such resources.

*Section 427. Sprague, Lincoln County, Washington*

Authorizes the Secretary to accept from the non-Federal interest funds provided under another Federal program to pay all or part of the non-Federal share of the cost of a feasibility study for flood damage reduction in the vicinity of Sprague, Lincoln County, Washington, it is a permissible use of funds under the other Federal program.

*Section 428. Monongahela River Basin, Northern West Virginia*

Directs the secretary to conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie, West Virginia, relating to abandoned mine drainage abatement.

*Section 429. Wauwatosa, Wisconsin*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek.

## TITLE V—MISCELLANEOUS PROVISIONS

*Section 501. Maintenance of navigation channels*

Authorizes the Secretary to maintain the following navigation channels, if feasible: (1) Pix Bayou Navigation Channel, Chambers County, Texas; (2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee; and (3) Racine Harbor, Wisconsin. Also directs the Secretary to remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

*Section 502. Watershed management*

Authorizes the Secretary to provide technical planning and design assistance to a non-Federal interest for carrying out watershed management, restoration and development projects in the following watersheds: (1) Choctawhatchee, Pea, and Yellow Rivers in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry Houston, and Pike Counties, Alabama; (2) Spring Branch, Huntsville, Alabama; (3) Cucamonga Basin, Upland, California; (4) Tuolumne County, California; (5) Kinkaid Lake, Jackson County, Illinois; (6) portions of the watersheds of Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts; (7) Jackson Brook, New Jersey; (8) portions of the watersheds of Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers in Beaver, Butler, Lawrence and Mercer, Pennsylvania; (9) Southampton Creek, Southampton, Pennsylvania; (10) Unami Creek, Milford Township, Pennsylvania; (11) Amite River basin, Louisiana; (12) Iberville Parish, East Atchafalaya River basin, Louisiana; (13) Genesee River watershed, New York; (14) Tonawanda Creek watershed, New York; (15) Buffalo River watershed, New York; (16) Eighteenmile Creek watershed, Niagara County, New York; (17) Cattaraugus Creek watershed, New York; and (18) Oswego River basin, New York.

*Section 503. Dam safety*

Authorizes the Secretary to provide assistance to enhance dam safety at the following locations: (1) Mountain Park Dam, Mountain Park, Georgia; (2) Barber Dam, Ada County, Idaho; (3) Fish Creek Dam, Blaine County, Idaho; (4) Lost Valley Dam, Adams County, Idaho; (5) Salmon Falls Dam, Twins Falls County, Idaho; (6) Whaley Lake Dam, Pawling, New York; and (7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.

*Section 504. Structural integrity evaluations*

Authorizes the Secretary to evaluate the structural integrity and effectiveness of a project for flood damage reduction and to prevent project failure at the following locations: (1) Arkansas River Levees, Arkansas; (2) Marianna Borough, Pennsylvania; and, (3) Nonconnah Creek, Tennessee.

*Section 505. Flood mitigation priority areas*

Amends the flood mitigation and riverine restoration program in section 212 of the Water Resources Development Act of 1999 to add

the following to the list of priority areas for review by the Secretary: LaCrosse County, Wisconsin; Crawford County, Wisconsin; Buffalo County, Wisconsin; Calhoun County, Illinois; Saint Charles County, Missouri; Saint Louis County, Missouri; Dubuque County, Iowa; Scott County, Iowa; Rock Island County, Illinois; Ascension Parish, Louisiana; East Baton Rouge Parish, Louisiana; Iberville Parish, Louisiana; and Livingston Parish, Louisiana.

*Section 506. Additional assistance for authorized projects*

Amends Section 219(e) of the Water Resources Development Act of 1992 to increase the authorization for specific projects to allow ongoing work to continue.

*Section 507. Expedited completion of reports and construction for certain projects*

Directs the Secretary to expedite completion of reports and construction for the following projects being carried out under continuing authorities for shoreline protection and flood damage reduction: (1) Welch Point, Elk River, Maryland, and Chesapeake, Maryland; (2) West View Shores, Cecil County, Maryland; (3) Sylvan Beach, Breakwater, Verona, Oneida County, New York; (4) Fulmer Creek, Village of Mohawk New York; (5) Moyer Creek, Village of Frankfort, New York; and (6) Steele Creek, Village of Ilion, New York.

*Section 508. Expedited completion of reports for certain projects*

Directs the Secretary to expedite completion of the reports and, if it is determined that a project is justified proceed to project pre-construction, engineering, and design for the following: (1) project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California; and (2) project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

*Section 509. Southeastern water resources assessment*

Authorizes the Secretary to provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and non-profit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States. This assistance may be used to support the Southeast Water Supply Institute.

*Section 510. Upper Mississippi River Environmental Management Program*

Amends the Upper Mississippi River Environmental Management Program to allow the non-Federal interest to provide the non-Federal share of the project in the form of services, materials, supplies, or other in-kind contributions.

*Section 511. Missouri and Middle Mississippi Rivers enhancement Project*

Amends the Missouri and Middle Mississippi River Enhancement Project to extend the authorization period.

*Section 512. Membership of Missouri River Trust*

Amends the membership of the Missouri River Trust to include rural water systems.

*Section 513. Watershed management, restoration, and development*

Increases the authorization for technical assistance for watershed management, restoration, and development to \$25,000,000.

*Section 514. Great Lakes Fishery and Ecosystem Restoration*

Amends the Great Lakes Fishery and Ecosystem Restoration program to allow the non-Federal share to be provided in the form of in-kind contributions.

*Section 515. Susquehanna, Delaware, and Potomac River Basins*

Makes the Division Engineer, North Atlantic Division, an ex officio member of the Susquehanna River Basin Compact and the Delaware River Basin Compact, authorizes the Secretary to provide funding to interstate compacts, and authorizes the Secretary to enter into an agreement with the Delaware River Basin Commission to provide water from a Corps dam during a drought warning or drought emergency, at a cost not to exceed incremental operating costs.

*Section 516. Chesapeake Bay Environmental Restoration and Protection Program*

Amends section 510 of the Water Resources Development Act of 1996 to increase the authorization of \$30,000,000.

*Section 517. Montgomery, Alabama*

Directs the Secretary to review the navigation and ecosystem restoration components of the Montgomery Riverfront and Downtown master Plan, and authorizes the Secretary to extend up to \$5,000,000 to carry out these components, if feasible.

*Section 518. Alaska*

Amends section 570 of the Water Resources Development Act of 1999 to increase the authorization level, allow non-profits to serve as non-Federal interests, and allow 10% of appropriated funds to be used for administration expenses.

*Section 519. Akutan Small Boat Harbor, Alaska*

Directs the Secretary to expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion, design and construct the project if feasible.

*Section 520. Lowell Creek Tunnel, Seward, Alaska*

Directs the Secretary to assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel and also authorizes a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

*Section 521. St. Herman Harbor, Alaska*

Directs the Secretary, on an emergency basis, to remove rubble, sediment, and rock impeding at the St. Herman Harbor entrance in Kodiak, Alaska, at a Federal cost not to exceed \$2,000,000.

*Section 522. Augusta and Clarendon, Arkansas*

Authorizes the Secretary to perform operation, maintenance and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas. Requires the Secretary to seek reimbursement from the Secretary of the Interior for the share of the cost of performing such maintenance and repair allocated to benefits to a Federal wildlife refuge.

*Section 523. Loomis Landing, Arkansas*

Directs the Secretary to conduct a study to determine if shore damage in the vicinity of Loomis Landing, Arkansas is the result of a Federal navigation project, and to mitigate any such damage that has occurred.

*Section 524. St. Francis River Basin, Arkansas and Missouri*

Directs the Secretary to conduct a study to determine if increased siltation and streambank erosion are the results of a Federal flood damage reduction project, and to mitigate such siltation and erosion in the St. Francis River basin.

*Section 525. Cambria, California*

Amends section 219(f)(48) of the Water Resources Development Act of 1992 to direct the Secretary to provide credit toward the non-Federal share of the cost of the work performed by the non-Federal interest, not to exceed \$3,000,00, if an integral part of the project.

*Section 526. East San Joaquin County, California*

Amends section 219(f)(22) of the Water Resources Development Act of 1992 to direct the Secretary to provide credit toward the non-Federal share of the cost of the work performed by the non-Federal interest, if determined by the Secretary to be an integral part of the project.

*Section 527. Harbor/South Bay, California*

Amends section 219(f)(43) of the Water Resources Development Act of 1992 to broaden the scope of the authority.

*Section 528. Sacramento Area, California*

Amends section 219(f)(23) of the Water Resources Development Act of 1992 to increase the authorization and broaden the scope of the authority.

*Section 529. San Francisco, California*

Authorizes the Secretary to remove a wharf and associated pilings and dredged material at Pier 70 in San Francisco, at a cost not to exceed \$1,600,000.

*Section 530. San Francisco, California, Waterfront Area*

Declares a portion of the San Francisco, California, waterfront to be nonnavigable.

*Section 531. Stockton, California*

Directs the Secretary to evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper

Calaveras River element of the project for flood damage reduction, Stockton Metropolitan Area, California, to determine the eligibility of such elements for reimbursement. Directs the Secretary to provide reimbursement if such elements of the project are technically sound, environmentally acceptable, and economically justified.

*Section 532. Everglades Restoration, Florida*

Amends the authorization of the Comprehensive Everglades Restoration Plan to incorporate certain pre-existing projects into the Plan, to provide an authorization amount for outreach and assistance, and to increase the authorization for certain critical restoration projects.

*Section 533. Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia*

Authorizes the Secretary to provide assistance for the reconstruction of the Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.

*Section 534. Riley Creek Recreation Area, Idaho*

Authorizes the Secretary to carry out the Riley Creek Recreation Area Master Plan for the Corps of Engineers project at Albeni Falls Dam, Bonner County, Idaho.

*Section 535. Grand Tower Drainage and Levees, Grand Tower Township, Illinois*

Authorizes the Secretary to perform operation and maintenance of levees on the Mississippi River in Grand Tower Township, Illinois, and directs the Secretary to allocate the costs of such work between the Federal government and non-Federal interests based on whether lands protected by the levees are owned by the United States or are private property.

*Section 536. Kaskaskia River Basin, Illinois, restoration*

Authorizes the Secretary to develop a comprehensive plan for the purpose of restoring the Kaskaskia River Basin.

*Section 537. Natalie Creek, Midlothian and Oak Forest, Illinois*

Directs the Secretary to carry out a small project for flood damage reduction under section 205 of the Flood Control Act of 1948 at Natalie Creek, Midlothian and Oak Forest, Illinois, if feasible.

*Section 538. Illinois River Basin restoration*

Extends the authorization for restoration of the Illinois River Basin until 2010. In developing and implementing the computerized inventory and analysis system, the Secretary is directed to consider the Illinois River Decision Support System.

*Section 539. Calumet Region, Indiana*

Amends section 219(f)(1) of the Water Resources Development Act of 1992 to increase the authorization and change the geographic scope of the authorization.

*Section 540. Rathbun Lake, Iowa*

Directs the Secretary to provide water supply storage at 100 percent local cost to a regional water association, and to provide credit towards these costs for certain in-kind contributions.

*Section 541. Mayfield Creek and tributaries, Kentucky*

Directs the Secretary to conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal navigation project and to mitigate any such damage.

*Section 542. Southern and Eastern Kentucky*

Amends section 531(b) of the Water Resources Development Act of 1996 to expand the project purposes, change the geographic scope of the authorization, and increase the authorization.

*Section 543. Coastal Louisiana Ecosystem protection and restoration*

Directs the Corps to develop a comprehensive plan for protecting, preserving and restoring the Coastal Louisiana Ecosystem.

*Section 544. Baton Rouge, Louisiana*

Amends section 219(f)(21) of the Water Resources and Development act of 1992 to increase the authorization level.

*Section 545. West Baton rouge Parish, Louisiana*

Amends section 517 of the Water Resources Development Act of 1999 to make a technical correction to the description of a project.

*Section 546. Chesapeake Bay Shoreline, Maryland, Virginia, Pennsylvania, and Delaware*

Authorizes the Secretary to undertake pilot projects during the feasibility study on shoreline erosion and related sediment management issues to protect land and water resources of the Chesapeake Bay.

*Section 547. Delmarva Conservation Corridor, Maryland*

Authorizes the Secretary to provide technical assistance to the Secretary of Agriculture in carrying out projects under the Conservation Corridor Demonstration Program, and to coordinate and integrate activities of the Secretary of the Army with activities of the Secretary of Agriculture in such conservation corridor.

*Section 548. Detroit River, Michigan*

Amends the shoreline protection project authorized under section 568(c)(2) of the Water Resources Development Act of 1999 to increase the authorization level.

*Section 549. Oakland County, Michigan*

Amends section 219(f)(29) of the Water Resources Development Act of 1992 to expand the scope of authority.

*Section 550. St. Clair River and Lake St. Clair, Michigan*

Authorizes the Secretary to carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management

plan for St. Clair River and Lake St. Clair, Michigan, at a federal cost not to exceed \$10,000,000.

*Section 551. Garrison and Kathio Township, Minnesota*

Amends section 219(f)(61) of the Water Resources Development Act of 1992 to specify the entity to receive assistance.

*Section 552. Northeastern Minnesota*

Amends section 569 of the Water Resources Development Act of 1999 to change the geographic scope of the authorization, to authorize non-profit entities to serve as non-Federal sponsors, and to allow 10% of amounts appropriated to be used for administrative expenses. Directs the Secretary to reimburse the non-Federal sponsor of the environmental infrastructure project in Biwabik, Minnesota, for project costs that exceed the non-Federal share of project costs.

*Section 553. St. Louis, Missouri*

Amends section 219(f)(32) of the Water Resources Development Act of 1992 to increase the authorization.

*Section 544. Rural Nevada*

Amends section 595(h)(1) of the Water Resources Development Act of 1999, to increase the authorization to \$40,000,000.

*Section 555. Hackensack Meadowlands Area, New Jersey*

Amends the ecosystem management program authorized under section 324 of the Water Resources Development Act of 1992 to change the non-Federal sponsor, expand the scope of the authorization, allow credit for in-kind services, and increase the authorization of appropriations.

*Section 556. Atlantic Coast of New York*

Amends the monitoring program authorized under section 404(a) of the Water Resources development Act of 1992 to clarify the scope of the program, require annual reports, and extend the authorization.

*Section 557. College Point, New York City, New York*

Authorizes the Secretary to give priority to environmental dredging in College Point, Queens, New York.

*Section 558. flushing Bay and Creek, New York City, New York*

Directs the Secretary to provide credit for the cost of work performed by the non-Federal interest for ecosystem restoration for Flushing Bay and Creek, New York City, New York, if an integral part of the project.

*Section 559. Little Neck Bay, Village of Kings Point, New York*

Authorizes the Secretary to carry out a navigation project at Little Neck Bay, Village of Kings Point, New York, to allow safe operation of the vessel T/V Kings Pointer and directs the Secretary to seek reimbursement from the United States Merchant Marine Academy.



*Section 560. Stanley County, North Carolina*

Amends section 219(f)(64) of the Water Resources Development Act of 1992 to expand the scope of the authority.

*Section 561. Piedmont Lake Dam, Ohio*

Directs the Secretary to upgrade the road on Piedmont Lake Dam, Ohio, to public use standards when reconstructing the road as part of a project for dam safety. Provides that any increase in cost, between the cost of a road the Secretary would otherwise build as part of the project, and the cost of a road that meets public use standards, shall be a local cost.

*Section 562. Waurika Lake, Oklahoma*

Provides that the remaining obligation of the Waurika Project Master Conservancy District agreed to on June 3, 1986, payable to the U.S. Government, may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

*Section 563. Columbia River, Oregon*

Amends section 401(b)(3) of Public Law 100-581 to include Celilo Village, Oregon.

*Section 564. Eugene, Oregon*

Directs the Secretary to conduct a study of the feasibility of restoring the millrace in Eugene, Oregon and, if feasible, carry out the restoration. Also directs the Secretary to include non-economic benefits when determining feasibility.

*Section 565. John Day Lock and Dam, Lake Umatilla, Oregon and Washington*

Directs the Secretary to pay \$2,500,000 for research and curation support provided to the Federal Government as a result of the multi-purpose project and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

*Section 566. Lowell, Oregon*

Authorizes the Secretary to convey land in Lowell, Oregon.

*Section 567. Hagerman's Run, Williamsport, Pennsylvania*

Authorizes the Secretary to rehabilitate pumps at a project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania, at a total cost of \$225,000.

*Section 568. Northeast Pennsylvania*

Amends section 219(f)(11) of the Water Resources Development Act of 1992 to modify the geographic scope of the authorization.

*Section 569. Susquehannock Campground Access Road, Raystown Lake, Pennsylvania*

Authorizes the Secretary to provide up to \$500,000 for improvements to the Susquehannock Campground access road at the Corps of Engineers project at Raystown Lake, Pennsylvania.

*Section 570. Upper Susquehanna River Basin, Pennsylvania and New York*

Amends the authorization for flood damage reduction and environmental restoration under section 567 of the Water Resources Development Act of 1992 to increase the authorization and to authorize pilot projects not to exceed \$500,000. The amendment also substitutes the word “cooperative” for the word “cooperation” in describing the agreements under which the Corps is able to obtain the assistance of non-Federal interests in carrying out the project. This will clarify that the Corps may work directly with public and non-profit organizations with expertise in wetland and stream restoration, including organizations such as Ducks Unlimited and local soil and water conservation districts. Finally, the amendment provides for credit against the non-Federal share of work done by local sponsors where such work is integral to the project and acceptance of in-kind services and materials provided by non-Federal interests.

*Section 571. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania*

Amends section 219(f)(70) of the Water Resources Development Act of 1992 to increase the authorization.

*Section 572. Cano Martin Pena, San Juan, Puerto Rico*

Directs the Secretary to review a report prepared for the non-Federal interest concerning flood protection and environment restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if feasible, authorizes the Secretary to carry out the project at a total cost of \$130,000,000, with an estimated Federal cost of \$85,000,000 and an estimated non-Federal cost of \$45,000,000.

*Section 573. Lakes Marion and Moultrie, South Carolina*

Amends section 219(f)(25) of the Water Resources Development Act of 1992 to increase the authorization and broaden the scope of the authorization.

*Section 574. Upper Big Sioux River, Watertown, South Dakota*

Directs the Secretary to review the August 1994 report of the Chief of Engineers for the project for flood damage reduction, Upper Big Sioux River, Watertown, South Dakota, and authorizes the Secretary to construct the project, if it remains feasible. Also authorizes credit toward planning and design work performed by the non-Federal sponsor, if integral to the project.

*Section 575. Fritz Landing, Tennessee*

Directs the Secretary to conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to bring the levee and associated drainage structures up to Federal standards, to design and construct such modifications, and to incorporate the levees into the project for flood damage reduction, Mississippi River and Tributaries.

*Section 576. Memphis, Tennessee*

Authorizes the Secretary to review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers, authorizes the Secretary to carry out that component at a total Federal cost not to exceed \$5,000,000.

*Section 577. Town Creek, Lenoir City, Tennessee*

Directs the Secretary to construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, in accordance with the feasibility report of the Nashville district engineer dated November 2000, at a total cost not to exceed \$1,250,000.

*Section 578. Tennessee River Partnership*

Authorizes the Secretary to enter into a partnership with a non-profit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee.

*Section 579. Clear Creek and Tributaries, Harris and Galveston Counties, Texas*

Directs the Secretary to expedite completion of the report for the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris and Galveston Counties, Texas.

*Section 580. Halls Bayou, Texas*

Amends section 211 of the Water Resources Development Act of 1996 to add the project for flood damage reduction, Halls Bayou, Texas

*Section 581. Harris Gully, Harris County, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction to protect the Texas Medical Center, Houston, Texas, using studies and plans developed by the non-Federal sponsor, to the maximum extent practicable. Also authorizes the Secretary to carry out critical flood damage reduction projects, at a Federal cost not to exceed \$7,000,000, authorizes credit for work performed by the non-Federal interest if integral to the project, and authorizes a non-profit entity to serve as the non-federal interest.

*Section 582. Onion Creek, Texas*

Directs the Secretary to provide credit toward the non-Federal share the cost of relocations carried out before the date of the co-operation agreement, if integral to the project.

*Section 583. Pelican Island, Texas*

Amends 33 U.S.C. 59hh to authorize the Secretary to provide a letter of intent to the city of Galveston, Texas, to convey property currently being used for management of dredged material, under certain terms and conditions.

*Section 584. Riverside Oxbow, Fort Worth, Texas*

Directs the Secretary to provide credit for the cost of work performed by the non-Federal interest on the Beach Street Dam and associated features, if determined by the Secretary to be an integral part of the project.

*Section 585. Richmond National Battlefield Park, Richmond, Virginia*

Authorizes the Secretary to carry out bluff stabilization measures on the James River to protect a Civil War battlefield known as Drewry's Bluff. Directs the Secretary to seek reimbursement from the Secretary of the Interior.

*Section 586. Baker Bay and Illwaco Harbor, Washington*

Directs the Secretary to conduct a study to determine if increased siltation is the result of a Federal navigation project and, if so, to mitigate the siltation in the Baker Bay and Illwaco Harbor, Washington.

*Section 587. Chehalis River, Centralia, Washington*

Directs the Secretary to provide credit for the cost of work performed by the non-Federal interest for flood damage reduction if determined by the Secretary to be an integral part of the project.

*Section 588. Hamilton Island Campground, Washington*

Authorizes the Secretary to plan, design and construct a campground for Bonneville Lock and Dam at Hamilton Island in Skamania County, Washington.

*Section 589. Puget Island, Washington*

Directs the Secretary to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, at a Federal cost not to exceed \$1,000,000.

*Section 590. West Virginia and Pennsylvania Flood control*

Amends section 581 of WRDA 1996 to expand the scope of the authority and to increase the authorization.

*Section 591. Lower Kanawha River Basin, West Virginia*

Directs the Secretary to conduct a watershed and river basin assessment for the Lower Kanawha River Basin, in certain counties in West Virginia.

*Section 592. Central West Virginia.*

Amends sections 571 of WRDA 1999 to modify the geographic scope of the authorization, to allow nonprofit entities to serve as non-Federal interests, and to allow 10% of appropriated amounts to be used for administrative expenses.

*Section 593. Southern West Virginia*

Amends section 340 of WRDA 1992 to modify the geographic scope of the authorization, to allow nonprofit entities to serve as non-Federal interests, and to allow 10% of appropriated amounts to be used for administration expenses.

*Section 594. Additional assistance for critical projects*

Amends section 219 of the Water Resources Development Act of 1992 to add assistance for critical projects.

## ADDITIONAL MATTERS

The water levels of the Great Lakes are cyclical, rising and falling as temperature and precipitation patterns naturally change over the years. Currently, the level of the Lake Huron is in a low period, exposing muck and weeds that can be both unhealthy and unsightly. This exposed lake bottom also can serve as a breeding ground for mosquitoes. The Committee is aware that some owners of property on Lake Huron, in Saginaw Bay, have tried to clean up this muck and weeds. As a result of these beach maintenance activities, the Corps of Engineers has issued cease and desist orders and threatened some landowners with penalties under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act. In fact, the Detroit District has informed us. “[I]n an effort to keep such unauthorized work from spreading across the entire Saginaw Bay, we secured assistance from the US Attorneys Office to take action against three, randomly chosen parties,” threatening criminal penalties.

The Committee is concerned about how the Detroit District chose to address this situation. The Committee directs the Corps of Engineers to examine its enforcement measures, and instead emphasize education and compliance assistance to carry out its regulatory authorities.

The Committee directs the Secretary to have the Secretary’s Counsel review section 404 of the Clean Water Act, section 10 of the Rivers and Harbors Act, and the beach maintenance activities of landowners along Lake Huron, to determine if these activities actually constitute an activity that requires a permit under federal or state law.

If, after the review, Counsel for the Army determines that the beach maintenance activities of these landowners are regulated activities, the Committee directs the Corps of Engineers to work with the property owners the effects of the beach maintenance activities and bring them within the scope of a general permit.

The Committee also is aware of problems with an invasive aquatic species known as tamarisk, or salt cedar, that is using 2 to 4.5 million acre-feet of water in reservoirs on the West Coast. The Corps of Engineers’ has a great deal of expertise in aquatic plant control through its Aquatic Plant Control Research Program. The Committee encourages the Corps to look for opportunities to use this program to assist with the control of tamarisk.

## LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Subcommittee on Water Resources and Environment held three days of hearings on projects, programs and policies considered during the development of H.R. 5428: on March 7, 2002; April 10, 2002; and April 17, 2002. During these hearings, testimony was received from 30 witnesses, including Members of Congress, the Administration, project sponsors, national water resources development and environmental organizations, and state and local officials. On February 27, 2002, the Subcommittee also held a hearing

on the Corps of Engineers' Budget and Priorities for FY 2003, receiving testimony from the Assistant Secretary of the Army for Civil Works.

On September 24, 2002, the Subcommittee on Water Resources and Environment marked up H.R. 5428, and reported the bill favorably to the Full Committee by voice vote. The Transportation and Infrastructure Committee met in open session on September 25, 2002 and adopted by voice a manager's amendment, offered by Mr. Duncan. The amendment made technical and clarifying changes, revised several project authorizations, and added various provisions related to studies and projects. The Committee ordered the bill H.R. 5428, as amended, reported to the House by voice vote.

#### ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 5428 reported. A motion to order H.R. 5428 reported to the House, with an amendment, was agreed to by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are the improvement of navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration and protection.

3. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 5428 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 30, 2002.

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5428, the Water Resources Development Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 5428—Water Resources Development Act of 2002*

Summary: H.R. 5428 would authorize the Secretary of Army, acting through the Army Corps of Engineers, to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the Secretary to conduct studies on water resources needs and feasibility studies for specified projects and convey ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for certain water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing H.R. 5428 would cost about \$2.1 billion over the 2003–2007 period and an additional \$2 billion over the 10 years after 2007. (Some construction costs and operations and maintenance would continue or occur after those 15 years.) In addition, CBO estimates that enacting H.R. 5428 would increase direct spending by \$17 million over the 2003–2007 period and by \$32 million over the 2003–2012 period.

H.R. 5428 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs incurred by those governments to comply with the conditions of this federal assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5428 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	736	536	403	356	319
Estimated Outlays .....	368	525	500	399	345
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority .....	5	3	3	3	3

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
Estimated Outlays .....	5	3	3	3	3

### *Basis of estimate*

For this estimate, CBO assumes that H.R. 5428 will be enacted near the beginning of fiscal year 2003 and that all amounts authorized by the bill will be appropriated for each fiscal year.

### *Spending subject to appropriation*

For projects specified in the bill, the Corps provided CBO with estimates of annual budget authority needed to meet design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and appropriation of construction costs. Estimated outlays are based on historical spending rates for past Corps projects.

H.R. 5428 would authorize new projects related to environmental restoration, shoreline protection, and navigation. Two of the larger projects that would be authorized by the bill include a project for hurricane and storm damage reduction in Louisiana with a federal cost of \$442 million and a replacement lock for the Chickamauga Lock and Dam in Tennessee with an estimated federal cost of \$267 million. In addition, this bill would modify many existing projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the federal share of project costs.

### *Direct spending*

CBO estimates that enacting H.R. 5428 would increase direct spending by \$17 million over the 2003–2007 period and by \$3 million each year after 2007. Components of this total cost are described below.

*Spending of Recreation Fees.*—Section 217 would permanently authorize the Corps to retain and spend annual recreation fees collected in excess of \$34 million a year. The Corps' authority to retain and spend those fees expired at the end of fiscal year 2002. CBO estimates that this extension would cost about \$3 million a year.

*Rathbun Lake Project.*—Section 540 would authorize the Secretary to convey a certain portion of the water supply storage capacity of Rathbun Lake to the Rathbun Regional Water Association. In exchange, the Water Association would fund, construct, operate, and maintain a regional visitor center complex on federal land at Rathbun Lake. CBO estimates that enacting this section would cost about \$2 million in 2003 because the Corps would forgo receipts that the Rathbun Regional Water Association would have otherwise paid for the unallocated water supply storage.

*Waurika Lake Project.*—Section 562 would eliminate the obligation of the Waurika Project Master Conservancy District in Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Due to an accounting error, the Corps inadvertently undercharged the district for costs associated with a land purchase related to the water project in the early 1980s. Under the terms of the construction contract, the district is re-



quired to pay all costs associated with building the project, including the full cost of the land purchases. CBO estimates that enacting this section would cost less than \$200,000 a year over the 2003–2027 period.

*Annual Passes for Recreation.*—Raystown Lake, Pennsylvania. Section 201 would extend the pilot project that allows the Corps to charge lower fees at its Raystown Lake recreation facility in Pennsylvania by one year. CBO estimates that extending the program until December 31, 2004, would cost less than \$100,000 over the next two years.

*Funding to Process Permits.*—Section 204 would extend the Corps' current authority for two more years to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would accept and spend less than \$500,000 during each year of this extension and that the net budgetary impact of this provision would be negligible.

*Elizabeth River Project.*—Section 376 would eliminate the obligation of the city of Chesapeake, Virginia, to pay its outstanding debt to the federal government related to the construction of a navigation channel. Section 358 of the Water Resources Development Act of 1999 waived the city's obligation to repay its share of the cost of construction of the channel that remained unpaid as of September 30, 1999. That act, however, did not eliminate the city's responsibility to pay those amounts in arrears prior to September 30, 1999. CBO estimates that the cost of this additional debt forgiveness would be less than \$500,000 in 2003.

*Various Land Conveyances.*—H.R. 5428 would authorize the Corps to convey certain lands in Kansas, Oklahoma, and Oregon. The bill would authorize the Corps to convey 7.4 acres to Geary County, Kansas, for the construction, operation, and maintenance of a fire station and 265 acres at Eufaula Lake in Oklahoma to the Choctaw Nation. In addition, section 566 would authorize the Corps and the U.S. Forest Service to convey approximately three acres of land and buildings in Lowell, Oregon, to the Lowell School District. CBO estimates that those conveyances would have no significant impact on the federal budget.

Intergovernmental and private-sector impact: H.R. 5428 contains no intergovernmental or private-sector mandates as defined in UMRA. Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments. Governments that choose to participate in those projects would incur costs to comply with the conditions of the federal assistance, including cost-sharing requirements, but such costs would be voluntary. In addition, some state and local governments participating in ongoing water resources projects would benefit from provisions in the bill that would alter existing cost-sharing obligations. Many of those provisions would make it easier for non-federal participants to meet their obligations by giving them credit for expense they have already incurred or by expanding the types of expenditures counted as part of the nonfederal share.

Estimate prepared by: Federal costs: Julie Middleton; Impact on state, local, and tribal governments: Marjorie Miller; and Impact on the private sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act, (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1994 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 5428 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### **WATER RESOURCES DEVELOPMENT ACT OF 1996**

\* \* \* \* \*

#### **TITLE II—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 208. RECREATION POLICY AND USER FEES.**

(a) \* \* \*

\* \* \* \* \*

(c) ALTERNATIVE TO ANNUAL PASSES.—

(1) \* \* \*

\* \* \* \* \*

(4) EXPIRATION OF AUTHORITY.—The authority to establish an annual pass under paragraph (2) shall expire on ~~the December 31, 2003~~ *December 31, 2004*.

\* \* \* \* \*

**SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

(a) \* \* \*

\* \* \* \* \*

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) \* \* \*

\* \* \* \* \*

(7) *HALLS BAYOU, TEXAS.*—*The project for flood control, Halls Bayou, Texas.*

~~[(7)]~~ (8) *HUNTING BAYOU, TEXAS.*—The Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

~~[(8)]~~ (9) *WHITE OAK BAYOU, TEXAS.*—The project for flood control, White Oak Bayou watershed, Texas.

\* \* \* \* \*

**SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**

(a) \* \* \*

\* \* \* \* \*

(c) GOVERNMENTAL PARTNERSHIPS.—

(1) *IN GENERAL.*—*The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage*

*dredged material from multiple Federal projects located in the geographic region of the facility.*

(2) PUBLIC FINANCING.—

(A) AGREEMENTS.—*The agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.*

(B) CREDIT.—*Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.*

[(c)] (d) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation of dredged material *processing, treatment, or disposal* facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation of a dredged material *processing, treatment, or disposal* facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

\* \* \* \* \*

## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 501. LAND CONVEYANCES.

(a) \* \* \*

\* \* \* \* \*

(g) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the [city of Boardman,] *the Boardman Park and Recreation District, Boardman*, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of [such city] *the city of Boardman* currently under lease to the Boardman Park and Recreation District.

\* \* \* \* \*

### SEC. 503. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) \* \* \*

\* \* \* \* \*

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [\$15,000,000] \$25,000,000.

\* \* \* \* \*

### SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [\$10,000,000] \$30,000,000.

\* \* \* \* \*

### SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) \* \* \*

(b) RESTORATION ACTIVITIES.—

(1) \* \* \*

\* \* \* \* \*

(3) CRITICAL RESTORATION PROJECTS.—

(A) \* \* \*

\* \* \* \* \*

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) [\$75,000,000 for the period consisting of fiscal years 1997 through 2003] \$95,000,000.

(ii) **FEDERAL SHARE.**—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than **【\$25,000,000】** *\$30,000,000*.

\* \* \* \* \*

**SEC. 531. SOUTHERN AND EASTERN KENTUCKY.**

(a) \* \* \*

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure, *environmental restoration*, and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply and related facilities, surface water resource protection and development, and small stream flooding, local storm water drainage, and related problems.

\* \* \* \* \*

(g) **SOUTHERN AND EASTERN KENTUCKY DEFINED.**—In this section, the term “southern and eastern Kentucky” means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, *Bath, Rowan*, and Letcher Counties, Kentucky.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section **【\$25,000,000】** *\$40,000,000*.

(i) **CORPS OF ENGINEERS EXPENSES.**—*Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

\* \* \* \* \*

**SEC. 553. NEW YORK STATE CANAL SYSTEM.**

(a) \* \* \*

\* \* \* \* \*

**【(c) NEW YORK STATE CANAL SYSTEM DEFINED.**—In this section, the term “New York State Canal System” means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.**】**

*(c) NEW YORK STATE CANAL SYSTEM DEFINED.*—*In this section, the term “New York State Canal System” means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.*

\* \* \* \* \*

**SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

(a) **STUDY AND STRATEGY DEVELOPMENT.**—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) \* \* \*

(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of **[\$10,000,000.]** *\$20,000,000, of which the Secretary may utilize not more than \$5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed \$500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.*

\* \* \* \* \*

(c) **[COOPERATION]** *COOPERATIVE AGREEMENTS.*—In conducting the study and developing the strategy under this section, the Secretary shall enter into **[cooperation]** *cooperative* agreements to provide financial assistance to appropriate Federal, State, and local government agencies and appropriate nonprofit, nongovernmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

\* \* \* \* \*

(e) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.*

\* \* \* \* \*

#### **SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.**

(a) \* \* \*

\* \* \* \* \*

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section **[\$47,000,000]** *\$89,000,000.*

\* \* \* \* \*

#### **SEC. 581. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

(a) **IN GENERAL.**—The Secretary may design and construct—

(1) **[flood control measures]** *structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures* in the Cheat and Tygart River basins, West Virginia, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996, but not less than a 100-year level of protection *with respect to measures that incorporate levees or floodwalls*; and

\* \* \* \* \*

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$12,000,000]** *\$90,000,000.*

\* \* \* \* \*

## WATER RESOURCES DEVELOPMENT ACT OF 1986

\* \* \* \* \*

### TITLE I—COST SHARING

#### SEC. 101. HARBORS.

(a) CONSTRUCTION.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) \* \* \*

(B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of **[45]** 53 feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of **[45]** 53 feet.

\* \* \* \* \*

(b) OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of **[45]** 53 feet.

\* \* \* \* \*

#### SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

(a) \* \* \*

\* \* \* \* \*

(n) NON-FEDERAL CONTRIBUTIONS.—

(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—*The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.*



(2) *LIMITATION ON STATUTORY CONSTRUCTION.*—*Nothing in this subsection shall be construed to affect the Secretary’s authority under section 903(c) of this Act.*

\* \* \* \* \*

## TITLE II—HARBOR DEVELOPMENT

\* \* \* \* \*

### SEC. 214. DEFINITIONS.

For purposes of this title—

(1) **DEEP-DRAFT HARBOR.**—The term “deep-draft harbor” means a harbor which is authorized to be constructed to a depth of more than [45] 53 feet (other than a project which is authorized by section 202 of this title).

\* \* \* \* \*

(3) **GENERAL CARGO HARBOR.**—The term “general cargo harbor” means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than [45] 53 feet;

\* \* \* \* \*

## TITLE VII—WATER RESOURCES STUDIES

\* \* \* \* \*

### SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) \* \* \*

\* \* \* \* \*

(f) **COST-SHARING REQUIREMENTS.**—

[(1) **NON-FEDERAL SHARE.**—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.]

*(1) NON-FEDERAL SHARE.*—*The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.*

\* \* \* \* \*

## TITLE IX—GENERAL PROVISIONS

\* \* \* \* \*

### SECTION 912. SECTION 221 AGREEMENTS.

(a) \* \* \*

(b)(1) \* \* \*

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary [shall] *may* issue an order requiring such non-Federal interest to provide such cooperation. [After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, except that

the total amount of civil penalties for any violation shall not exceed \$50,000.】

\* \* \* \* \*

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for *payment of liquidated damages or*, for any violation of an order issued under this section, 【to collect a civil penalty imposed under this section,】 to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing businesss, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of 【any civil penalty imposed under this section,】 *any liquidated damages*, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

\* \* \* \* \*

## TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

\* \* \* \* \*

### SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.

(a) \* \* \*

\* \* \* \* \*

(e) PROGRAM AUTHORITY.—

(1) \* \* \*

\* \* \* \* \*

(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A)(i) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent. *The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.*

\* \* \* \* \*

### 【SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES.

【The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.】

**SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.**

*The Secretary shall waive local cost-sharing requirements up to \$500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).*

\* \* \* \* \*

**WATER RESOURCES DEVELOPMENT ACT OF 2000**

\* \* \* \* \*

**TITLE II—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

(a) \* \* \*

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) \* \* \*

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or in proximity to Alaska Native villages.

\* \* \* \* \*

**SEC. 214. FUNDING TO PROCESS PERMITS.**

(a) IN GENERAL.—In fiscal years 2001 through [2003] 2005, the Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally. *The acceptance and expenditure of funds under subsection (a) shall not affect the order in which permits are considered or approved by the Secretary.*

\* \* \* \* \*

## TITLE IV—STUDIES

\* \* \* \* \*

### SEC. 414. OCEANSIDE, CALIFORNIA.

Not later than [32] 44 months after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) \* \* \*

\* \* \* \* \*

### SEC. 425. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along *Lake Michigan* and the Chicago River, Chicago, Illinois.

\* \* \* \* \*

## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) \* \* \*

\* \* \* \* \*

(f) COST SHARING.—

(1) \* \* \*

\* \* \* \* \*

(3) NON-FEDERAL SHARE.—

(A) \* \* \*

(B) FORM.—The non-Federal interest may provide up to [50] 100 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

\* \* \* \* \*

### SEC. 519. ILLINOIS RIVER BASIN RESTORATION.

(a) \* \* \*

\* \* \* \* \*

(c) CRITICAL RESTORATION PROJECTS.—

(1) \* \* \*

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection \$100,000,000 for fiscal years 2001 through [2004] 2010.

\* \* \* \* \*

## TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

### SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) \* \* \*

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) \* \* \*

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E). *The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan.*

\* \* \* \* \*

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B) *and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer*, the Secretary shall provide for public review and comment in accordance with applicable Federal law.

\* \* \* \* \*

(k) OUTREACH AND ASSISTANCE.—

(1) \* \* \*

\* \* \* \* \*

(3) *MAXIMUM EXPENDITURES.—The Secretary may expend up to \$3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection.*

\* \* \* \* \*

## TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

\* \* \* \* \*

### SEC. 904. MISSOURI RIVER TRUST.

(a) \* \* \*

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) \* \* \*

\* \* \* \* \*

(vii) agricultural groups; **and**

(viii) *rural water systems; and*

**[(viii)]** (ix) other appropriate interests;

\* \* \* \* \*

## SECTION 5 OF THE ACT OF AUGUST 13, 1946

AN ACT authorizing Federal participation in the cost of protecting the shores of publicly owned property.

### SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of **[6]** 10 years beginning on the date that funds are made available to carry out this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The erosion control program shall include provisions for—

(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first **[3]** 6 years of the erosion control program;

\* \* \* \* \*

(3) *COST SHARING.*—*The Secretary may enter into a cost-sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.*

(4) *REMOVAL OF PROJECTS.*—*The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.*

**[(3)]** (5) SITES.—

(A) \* \* \*

\* \* \* \* \*

**[(4)]** (6) DETERMINATION OF FEASIBILITY.—Implementation of a project under this section is contingent upon a determination by the Secretary that such project is feasible.

\* \* \* \* \*

(e) FUNDING.—

(1) \* \* \*

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated **[\$21,000,000]** \$31,000,000 to carry out this section.

## SECTION 221 OF THE FLOOD CONTROL ACT OF 1970

SEC. 221. (a) After the date of enactment of this Act, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 215 of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project or the

appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000. *Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.* In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

\* \* \* \* \*

## WATER RESOURCES DEVELOPMENT ACT OF 1992

\* \* \* \* \*

## TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

### SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.

(a) \* \* \*

\* \* \* \* \*

[(c) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a binding agreement with the Secretary in which the non-Federal interests agree to—

[(1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and

[(2) pay 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.

[(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project for the protection, restoration, and creation of aquatic and ecologically related habitats shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

[(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incre-

mental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed \$15,000,000 annually to carry out this section. Such sums shall remain available until expended.]

[(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.]

(c) *IN GENERAL.*—*The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal public entity for use in the construction, repair, or rehabilitation of public projects associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.*

(d) *COOPERATIVE AGREEMENT.*—*Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).*

(e) *DETERMINATION OF CONSTRUCTION COSTS.*—*Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.*

(f) *NONPROFIT ENTITIES.*—*Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.*

(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated \$30,000,000 annually for projects under this section. Such sums shall remain available until expended.*

(h) *REGIONAL SEDIMENT MANAGEMENT PLANNING.*—*In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including potential beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.*

\* \* \* \* \*



**SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.**

(a) \* \* \*

\* \* \* \* \*

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) \* \* \*

\* \* \* \* \*

(7) \$30,000,000 for the project described in subsection (c)(16);  
**and**

(8) \$30,000,000 for the project described in subsection  
 (c)(17)**1.1**;

(9) \$20,000,000 for the project described in subsection (c)(20);

(10) \$20,000,000 for the project described in subsection  
 (c)(25);

(11) \$15,000,000 for the project described in subsection  
 (c)(26);

(12) \$7,800,000 for the project described in subsection (c)(27);

(13) \$18,000,000 for the project described in subsection  
 (c)(31); and

(14) \$30,000,000 for the project described in subsection  
 (c)(40).

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) \* \* \*

\* \* \* \* \*

(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, **and Monroe** *Northumberland, Union, Snyder, and Montour*, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—**[\$10,000,000]** \$30,000,000 for water related infrastructure projects in the counties of **[Lake and Porter]** *Benton, Jasper, Lake, Newton, and Porter*, Indiana.

\* \* \* \* \*

(21) BATON ROUGE, LOUISIANA.—**[\$20,000,000]** \$35,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—**[\$25,000,000]**

(A) *IN GENERAL.*—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

(B) *CREDIT.*—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the cooperation agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.

(23) SACRAMENTO AREA, CALIFORNIA.—**[\$25,000,000]** *\$35,000,000 for water supply and regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California.*

\* \* \* \* \*

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—**[\$15,000,000]** *\$35,000,000 for wastewater treatment and water supply treatment and distribution projects in the counties of Calhoun, Clarendon, Colleton, Dorchester, Orangeberg, and Sumter, South Carolina.*

\* \* \* \* \*

(29) OAKLAND COUNTY, MICHIGAN.—\$20,000,000 for a project to eliminate or control *sanitary sewer overflows and* combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

\* \* \* \* \*

(32) ST. LOUIS, MISSOURI.—**[\$15,000,000]** *\$35,000,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri.*

\* \* \* \* \*

(43) HARBOR/SOUTH BAY, CALIFORNIA.—\$35,000,000 for an industrial water reuse project for the Harbor/South Bay area, **[California.]** *California, and for the Southern Los Angeles County Groundwater Pipeline Project, Pico Rivera, Downey, Bellflower, Paramount Lakewood, and Long Beach, California.*

\* \* \* \* \*

(48) CAMBRIA, CALIFORNIA.—**[\$10,300,000]**

(A) *IN GENERAL.*—\$10,300,000 for desalination infrastructure, Cambria, California.

(B) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the co-operation agreement for the project if the Secretary determines that the work is integral to the project.*

\* \* \* \* \*

(61) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—\$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota. *Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.*

\* \* \* \* \*

(64) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for *water and* wastewater infrastructure, Stanly County, North Carolina.

\* \* \* \* \*

(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—**[\$8,000,000]** *\$13,300,000 for water*

and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

(71) *PLAQUEMINE, LOUISIANA.—\$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.*

(72) *CHARLESTON, SOUTH CAROLINA.—\$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.*

(73) *CROSS, SOUTH CAROLINA.—\$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.*

(74) *SURFSIDE, SOUTH CAROLINA.—\$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.*

(75) *NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.*

(76) *TIA JUANA VALLEY, CALIFORNIA.—\$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.*

(77) *CABARRUS COUNTY, NORTH CAROLINA.—\$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.*

(78) *RICHMOND COUNTY, NORTH CAROLINA.—\$8,000,000 for water-related infrastructure, Richmond County, North Carolina.*

(79) *UNION COUNTY, NORTH CAROLINA.—\$9,000,000 for wastewater infrastructure, Union County, North Carolina.*

(80) *WASHINGTON, DISTRICT OF COLUMBIA.—\$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.*

(81) *GREENLEAF, IDAHO.—\$500,000 for water and wastewater infrastructure, Greenleaf, Idaho.*

(82) *WEISER, IDAHO.—\$330,000 for wastewater infrastructure, Weiser, Idaho.*

(83) *COOLIN, IDAHO.—\$2,200,000 for wastewater infrastructure, Coolin, Idaho.*

(84) *JEROME, IDAHO.—\$5,000,000 for wastewater infrastructure, Jerome, Idaho.*

(85) *LEDYARD AND MONTVILLE, CONNECTICUT.—\$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.*

(86) *AWENDAW, SOUTH CAROLINA.—\$2,000,000 for water-related infrastructure, Awendaw, South Carolina.*

(87) *ST. CLAIR COUNTY, ALABAMA.—\$5,000,000 for water-related infrastructure, St. Clair County, Alabama.*

(88) *EAST BAY, SAN FRANCISCO AND SANTA CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.*

(89) *ATHENS, TENNESSEE.—\$16,000,000 for wastewater infrastructure, Athens, Tennessee.*

\* \* \* \* \*

### TITLE III—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

**SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) \* \* \*

(2) SOUTH CENTRAL PENNSYLVANIA.—The term “south central Pennsylvania” means [Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, and Westmoreland Counties] *Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties*, Pennsylvania.

\* \* \* \* \*

**SEC. 324. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

(a) IN GENERAL.—The Secretary is authorized to provide design and construction assistance to the [Hackensack Meadowlands Development Commission of the State of New Jersey for the development of the Phase I Environmental Improvement Program of the Special Area Management Plan for] *New Jersey Meadowlands Commission for the development of an environmental improvement program for the Hackensack Meadowlands area, New Jersey.*

(b) [REQUIRED] ELEMENTS.—The program to be developed under subsection (a) [shall] *may* include at a minimum the following areas:

[(1) Mitigation and enhancement for significant wetlands that contribute to the Meadowlands ecosystem.]

(1) *Enhancement and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.*

\* \* \* \* \*

(c) COST SHARING.—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. *The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the cooperation agreement with the Secretary for a project to be carried out under the program developed under subsection (a).* Operation and maintenance cost shall be 100 percent non-Federal.

(d) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section [\$5,000,000] *\$35,000,000* for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

\* \* \* \* \*

**SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(f) SOUTHERN WEST VIRGINIA DEFINED.—For purposes of this section, the term “Southern West Virginia” means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, Nicholas, and Monroe Counties, West Virginia.

\* \* \* \* \*

(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

\* \* \* \* \*

**TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT**

\* \* \* \* \*

**SEC. 404. ATLANTIC COAST OF NEW YORK.**

(a) DEVELOPMENT OF PROGRAM.—The Secretary is authorized and directed to develop a data collection and monitoring program of coastal [processes] and related environmental processes for the Atlantic Coast (and associated back bays) of New York, from Coney Island to Montauk Point, with a view toward providing information necessary to develop a program for addressing post storm actions, environmental restoration or conservation measures for coastal and back bays, and long-term shoreline erosion control. The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.

(b) [INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the] ANNUAL REPORTS.—The Secretary shall provide an [initial plan for data collection and monitoring] annual report of data collection and monitoring activities to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. [Such initial plan shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.]

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$1,400,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997, [and an additional total of \$2,500,000 for fiscal years thereafter] \$2,500,000 for fiscal years 2000 through 2002, and \$17,000,000 for fiscal years beginning after September 30,

2002, to carry out this section. Such sums shall remain available until expended.

\* \* \* \* \*

## SECTION 145 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1976

[SEC. 145. The Secretary of the Army, acting through the Chief of Engineers, is authorized upon request of the State, to place on the beaches of such State beach-quality sand which has been dredged in constructing and maintaining navigation inlets and channels adjacent to such beaches, if the Secretary deems such action to be in the public interest and upon payment by such State of 35 percent of the increased cost thereof above the cost required for alternative methods of disposing of such sand. At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the beaches of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.]

## WATER RESOURCES DEVELOPMENT ACT OF 1999

\* \* \* \* \*

## TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

### SEC. 212. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine appropriate locations, including—

(1) \* \* \*

\* \* \* \* \*

(27) Susquehanna River watershed, Bradford County, Pennsylvania; [and]

(28) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas[.];

(29) *La Crosse County, Wisconsin;*

(30) *Crawford County, Wisconsin;*

(31) *Buffalo County, Wisconsin;*

(32) *Calhoun County, Illinois;*

(33) *Saint Charles County, Missouri;*

- (34) *Saint Louis County, Missouri;*
- (35) *Dubuque County, Iowa;*
- (36) *Scott County, Iowa;*
- (37) *Rock Island County, Illinois;*
- (38) *Ascension Parish, Louisiana;*
- (39) *East Baton Rouge Parish, Louisiana;*
- (40) *Iberville Parish, Louisiana; and*
- (41) *Livingston Parish, Louisiana.*

\* \* \* \* \*

**SEC. 225. RECREATION USER FEES.**

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—[During fiscal years 1999 through 2002, the] *The* Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of \$34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l–6a(b)).

\* \* \* \* \*

(3) AVAILABILITY.—The amounts withheld shall remain available until [September 30, 2005] *expended*.

\* \* \* \* \*

## TITLE III—PROJECT-RELATED PROVISIONS

\* \* \* \* \*

**SEC. 310. BREVARD COUNTY, FLORIDA.**

(a) \* \* \*

\* \* \* \* \*

(d) *CREDIT*.—*After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.*

**SEC. 328. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.**

(a) IN GENERAL.—The project to prevent flood damage and for hurricane damage reduction, west bank of the Mississippi River (east of Harvey Canal), Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128) and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to direct the Secretary to continue Federal [operation and maintenance] *operation, maintenance, rehabilitation, repair, and replacement* of the portion of the project

included in the report of the Chief of Engineers dated May 1, 1995, referred to as “[Algiers Channel] *Algiers Canal Levees*”.

\* \* \* \* \*

(c) *COST SHARING.*—*The non-Federal share of the cost of the project shall be 35 percent.*

\* \* \* \* \*

#### **SEC. 358. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

Notwithstanding any other provision of law, after [September 30, 1999] *May 4, 1997*, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of the Elizabeth River, Chesapeake, Virginia.

\* \* \* \* \*

### **TITLE IV—STUDIES**

\* \* \* \* \*

#### **SEC. 455. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(g) *IN-KIND CONTRIBUTIONS FOR STUDY.*—*The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.*

#### **SEC. 456. GREAT LAKES NAVIGATIONAL SYSTEM.**

In consultation with the St. Lawrence Seaway Development Corporation, the Secretary shall review the Great Lakes Connecting Channel and Harbors Report dated March 1985 to determine the feasibility of undertaking any modification of the recommendations made in the report to improve commercial navigation on the Great Lakes navigation system, including locks, dams, harbors, ports, channels, and other related features. *If the Government of Canada and the Government of the United States have entered into a bilateral agreement that provides for the financial participation of the Government of Canada in the study, the Secretary may accept such participation.*

\* \* \* \* \*

### **TITLE V—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

#### **SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

(a) \* \* \*

\* \* \* \* \*

(g) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to pay the Federal share of the cost of carrying out



this section \$30,000,000 for the period of fiscal years 2000 [and 2001] *through 2015*.

\* \* \* \* \*

**SEC. 517. EXPEDITED CONSIDERATION OF CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports for the following projects and, if justified, proceed directly to project preconstruction, engineering, and design:

(1) \* \* \*

\* \* \* \* \*

[(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.]

*(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.*

\* \* \* \* \*

**SEC. 568. DETROIT RIVER, MICHIGAN.**

(a) \* \* \*

\* \* \* \* \*

(c) REPAIR AND REHABILITATION.—

(1) \* \* \*

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1) [\$1,000,000] \$25,000,000 for the period beginning with fiscal year 2000.

**SEC. 569. NORTHEASTERN MINNESOTA.**

(a) DEFINITION OF NORTHEASTERN MINNESOTA.—In this section, the term “northeastern Minnesota” means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, [Benton, Sherburne,] *Beltrami, Hubbard, Wadena*, Isanti, and Chisago, Minnesota.

\* \* \* \* \*

(e) LOCAL COOPERATION AGREEMENT.—

(1) \* \* \*

\* \* \* \* \*

(3) COST SHARING.—

(A) \* \* \*

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. [The credit for the design work shall not exceed 6 percent of the total construction costs of the project.]

\* \* \* \* \*

[(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.]

(g) *NONPROFIT ENTITIES.*—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

\* \* \* \* \*

(i) *CORPS OF ENGINEERS EXPENSES.*—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

#### **SEC. 570. ALASKA.**

(a) \* \* \*

\* \* \* \* \*

(e) *LOCAL COOPERATION AGREEMENTS.*—

(1) \* \* \*

\* \* \* \* \*

(3) *COST SHARING.*—

(A) \* \* \*

(B) *CREDIT FOR DESIGN WORK.*—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. [The credit for the design work shall not exceed 6 percent of the total construction costs of the project.]

\* \* \* \* \*

(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section [“\$25,000,000”] \$40,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

(i) *NONPROFIT ENTITIES.*—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

(j) *CORPS OF ENGINEERS EXPENSES.*—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

#### **SEC. 571. CENTRAL WEST VIRGINIA.**

(a) *DEFINITION OF CENTRAL WEST VIRGINIA.*—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, [Nicholas,] Braxton, [Gilmer,] Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

\* \* \* \* \*

(i) *NONPROFIT ENTITIES.*—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(j) *CORPS OF ENGINEERS EXPENSES.*—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of

*Engineers district offices to administer projects under this section at 100 percent Federal expense.*

\* \* \* \* \*

**SEC. 595. RURAL NEVADA AND MONTANA.**

(a) \* \* \*

\* \* \* \* \*

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001—

(1) **["\$25,000,000"] \$40,000,000** for rural Nevada; and

\* \* \* \* \*

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**SECTION 401 OF THE ACT OF NOVEMBER 1, 1988**

(Public Law 100–581)

AN ACT To establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987).

SEC. 401. (a) \* \* \*

(b) Notwithstanding any other provision of law, the Secretary of the Army shall—

(1) \* \* \*

\* \* \* \* \*

(3) make improvements at existing sites *and Celilo Village, Oregon*, including but not limited to dredging at the site at Wind River, Washington, and constructing a boat ramp on or near the site at Cascade Locks, Oregon.

\* \* \* \* \*

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**SECTION 108 OF THE ENERGY AND WATER  
DEVELOPMENT APPROPRIATIONS ACT, 1994**

SEC. 108. (a) **IN GENERAL.**—**[The Secretary]**

(1) **AUTHORITY TO CONVEY.**—*The Secretary* of the Army is authorized to convey to the City of Galveston, Texas, fee simple absolute title to all or any part of a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey, A–647 and A–648, City of Galveston, Galveston County, Texas, being part of the old Fort San Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of subsection (d). Such conveyance shall only be made by the Secretary of the Army upon the agreement of the Secretary and the City as to all compensation due herein.

(2) **LETTER OF INTENT.**—

(A) **IN GENERAL.**—*The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and ap-*

*proves a proposal by the city designating the land which would be subject to such development.*

*(B) DISPOSITION OF SPOIL.—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.*

\* \* \* \* \*

(e) NAVIGATIONAL SERVITUDE.—

(1) \* \* \*

\* \* \* \* \*

(3) EXPIRATION DATE.—If, 20 years after the [date of the enactment of this Act] *date of enactment of the Water Resources Development Act of 2002*, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in paragraph (2), or if work in connection with any activity permitted in paragraph (2) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

\* \* \* \* \*

